



Administrative Procedures Manual

April 2024

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Chapter 1

OVERVIEW

a. Purpose

This Administrative Procedures Manual (Manual) has been created to be used as an easy to follow reference guide and a tool for anyone who is interested in the development process in the City of Fair Oaks Ranch, Texas. Every effort has been made to provide information related to the development process, from annexation to certificate of occupancy, in a user-friendly and easily understandable format.

This Manual incorporates the requirements of the state statutes and City's adopted Unified Development Code (UDC). Please refer to the City ordinances wherever applicable.

One or more sections of the Manual may be applicable, depending on the development. Each section includes an introduction to the process, a flowchart of the process, a checklist, and any other pertinent information that can help you with that particular process. This Manual is not intended to discourage you from contacting the City in any way. This Manual is designed to help you understand the processes and give us an opportunity to work with you in an effective and efficient manner.

b. Disclaimer

This Manual should not be used as a supplement or to circumvent any state laws or local ordinances. The Manual is not intended to take the place of any ordinance. If there are any further questions about the City of Fair Oaks Ranch's development process, please feel free to contact the Manager of Engineering Services. Refer to the City's website for the most current information.

c. Development Process

The development process can be defined as the process in which an applicant undertakes to obtain the necessary City approvals to construct any structure which requires a building permit within the City of Fair Oaks Ranch. This process can be a simple one-step process or a multi-step one, depending on the development proposed. The process is usually categorized into eight (8) steps from a fact-finding meeting to a certificate of occupancy.

The development process may differ from city to city and state to state since it is governed by the requirements of state statutes, adopted local codes and ordinances, city procedures, and best practices.

d. Development Process Flowchart

As part of the development process:

a. Every project in the ETJ must:

- Must be on a property for which a PLAT has been approved by the City
- Have a valid PERMIT from the City for any signs

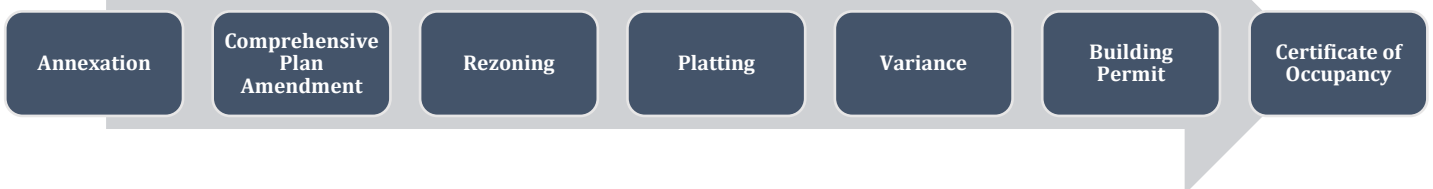
b. Every project within the City limits must:

- Have the proper ZONING for the intended use
- Must be on a property for which a PLAT has been approved by the City
- Have a valid PERMIT from the City for any improvements and buildings
- Have a valid PERMIT from the City for any signs
- Be INSPECTED during construction, and
- Receive a CERTIFICATE OF OCCUPANCY

Pre-Application Conference

Attendees:

- Applicant and applicant's engineer/architect/contractor/HOA
- City staff
 - Planning and Zoning
 - Public Works
 - Fire Safety/Police
 - Tree Preservation
 - Administration
 - Engineering
 - Building Permits
 - Public Health



Chapter 2

PRE-APPLICATION CONFERENCES

a. Purpose

A Pre-application Conference is a meeting between a potential applicant and the City staff prior to submission of an application. These meetings provide an opportunity for the potential applicant to discuss their proposal with City staff and for the City staff 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, or provide vested rights.

A Pre-application Conference is recommended for the following applications.

- Site Plan
- Variances and Special Exceptions
- Concept Plan
- All types of Plats
- Special Use Permit
- Planned Unit Development
- Comprehensive Plan Amendment
- Zoning Map Amendment (Rezoning)
- Site Development Permit
- Commercial and Residential Permits
- Unified Development Code (UDC) Text Amendment

One Pre-application Conference may suffice for a project involving multiple applications and permits.

Completion of a Pre-application Conference does not imply or indicate City approval of any application or provide vesting rights.

b. Attendees

- Applicant and applicant's engineer/architect/contractor
- City staff - The meeting is typically attended by City representatives to discuss the following areas, as appropriate for the applicant's proposal:

Planning and Zoning
Building Permits
Tree Preservation

Engineering
Fire Safety/Police
Administration

Public Works
Public Health

c. Scheduling

Pre-Application Conferences can be scheduled by contacting City's Public Works Administrative Assistant and submitting the application form with the required supporting information. During the meeting, a checklist is completed by City staff that explains the various City ordinances pertinent to that project, permitting and development processes, and rules and regulations adopted by the City. In addition to the completed checklist, all relevant information is provided to the applicant at the end of the meeting.

Chapter 3

ANNEXATION

a. Introduction

Requests for voluntary annexation are governed by Texas state law. Chapter 43, Subchapter C-3, of the Texas Local Government Code (TxLGC) pertains to Fair Oaks Ranch. The entire state law regarding municipal annexation in Texas can be found [HERE](#).

b. Approval Process

The process for voluntarily annexing property in the extraterritorial jurisdiction (ETJ) into the City limits is outlined below. Please submit the City's standard application (petition) to begin the process. A Pre-application Conference with the staff is required prior to the submittal of the request. All voluntary annexation requests must also be run concurrent with a zoning request.

Action Step	Action Item	Statutory Time Frame/Additional Information	Responsible Party
1	Pre-application conference	During the pre-application conference staff will go over the annexation and zoning processes as well as discuss the city services which will be offered to the property.	Property Owner, City Staff
2	Petitioner makes written request for annexation and zoning to the City.	The property owner submits the 'S1 Annexation Specific Application, S2 Rezoning Specific Application (or S4 Planned Unit Development Specific Application) and Universal Application,' including all applicable items on the checklist, to the City Manager.	Property Owner
3	City Council to accept annexation petition by resolution, setting date for public hearing and authorizing the City Manager to negotiate and execute a service agreement	Next regular Council meeting after the application is submitted, provided there is adequate time to draft the resolution and draft service agreement. A draft of the service agreement should be included as an attachment to the resolution.	City Staff, City Council

Action Step	Action Item	Statutory Time Frame/Additional Information	Responsible Party
4	Development of a written service agreement and execution by the petitioner and City Manager of the service agreement.	An agreement outlining the provision of services in the area to be annexed. The agreement must include a list of each service the City will provide on the effective date of the annexation and a schedule that includes the period within which the City will provide each service that is not provided on the effective date of the annexation. The City is not required to provide a service that is not included in the agreement. The agreement must be executed by both parties prior to adoption of the annexation ordinance.	City Staff and Property Owner
5	Notice of the P & Z Public Hearing published in the newspaper of general circulation in the City. (Zoning)	Must be published on or after the 20th day but before the 16th day of the date of the hearing (43.0673 d & 211.006(a) of TxLGC & UDC Sec.3.6(3)). Public hearing date is set by resolution. This notice timeline is intended for combined Annexation and Zoning published notice. Each process has slightly different requirements which have a small time window of overlap.	City Staff
6	Post Notice Sign of the P & Z Public Hearing at the subject property for Zoning.	Sign must be posted 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 as per Unified Development Code Sec. 3.6 (5)	Property Owner
7	Mail Notice of P & Z Public Hearing to surrounding property owners (Zoning)	At least 11 days before the P & Z hearing date, written notice of the public hearing related to zoning the subject property must be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property being annexed.	City Staff
7	P & Z Public Hearing and Recommendation on Zoning Application	Public hearing to be held by the Planning & Zoning Commission on the zoning application request. Planning & Zoning Commission to provide recommendation on the zoning request to City Council.	Planning & Zoning Commission, City Staff with Property Owner Present

Action Step	Action Item	Statutory Time Frame/Additional Information	Responsible Party
8	Notice of the City Council Public Hearing published in the newspaper of general circulation in the City. (Annexation and Zoning)	Must be published on or after the 20th day but before the 16th day of the date of the hearing (43.0673 d & 211.006(a) of TxLGC & UDC Sec.3.6(3)). Public hearing date is set by resolution. This notice timeline is intended for combined Annexation and Zoning published notice. Each process has slightly different requirements which have a small time window of overlap.	City Staff
9	Internet website notice of City Council Public Hearing.	Must be posted on City's Internet website on or after the 20th day but before the 10th day of the date of the hearing and must remain posted until the Public Hearing is conducted. (43.0673 d of TxLGC). Public hearing date is set by resolution.	City Staff
10	Mail Notice to Public School District	Notice must be sent on or after the 20th day but before the 10th day of the date of the Public Hearing. Public hearing date is set by resolution. Note: Additional provisions apply regarding the content of this notice; 43.905 of TxLGC must be reviewed carefully to ensure that the notice includes the proper detailed information.	City Staff
11	Mail Notice to Public Entities	Notice must be sent on or after the 20th day but before the 10th day of the date of the Public Hearing. Public hearing date is set by resolution. Note: Additional provisions apply regarding the content of this notice; 43.9051 of TxLGC must be reviewed carefully to ensure the notice includes the proper detailed information. 'Public Entity' includes the county; fire protection service provider, including a volunteer fire department; emergency medical services provider, including a volunteer emergency medical services provider; utility providers; other agencies; and special district described by Section 43.062(b)(2) (B) of TxLGC.	City Staff

Action Step	Action Item	Statutory Time Frame/Additional Information	Responsible Party
12	Post Notice Sign at the subject property for Annexation and Zoning.	Sign must be posted 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 as per Unified Development Code Sec. 3.6 (5)	Property Owner
13	Public Hearing and First Reading of the Annexation Ordinance and Zoning Ordinance	Public hearing to be held on the date set by the resolution. Typically, this should be a regular meeting of the City Council.	City Council, City Staff with Property Owner Present
14	Second Reading of the Annexation Ordinance and Zoning Ordinance	Must be held at a separate Regular Meeting of Council, following the First Reading of the Annexation Ordinance.	City Council, City Staff with Property Owner Present

Chapter 4

COMPREHENSIVE PLAN AMENDMENTS

SECTION 4.1 GENERAL INFORMATION

Purpose

The purpose of the Comprehensive Plan is to reflect a City's long-term plan for growth and development. As stated in the City of Fair Oaks Ranch's Comprehensive Plan, it is a "... process that determines community vision, goals, and aspiration in regard to community development. Comprehensive plans typically focus on transportation, utilities, land use, recreation, and housing and cover a long-term time horizon." A Comprehensive Plan provides a road map for the City's growth for the next 5-10 years and is a living document. It is intended to change and adapt with time and circumstances. In addition to the text, the Comprehensive Plan includes a Future Land Use Map (FLUM) that serves as a guide to evaluate land development decisions.

The City of Fair Oaks Ranch Comprehensive Plan is "...also a robust guide – a snapshot of today, and a plan into tomorrow."

SECTION 4.2 PROCESS

The amendments to the Comprehensive Plan may include amendments to the text or to the FLUM. The Unified Development Code (UDC) and the Texas Local Government Code both provide a process for amendments to the Comprehensive Plan. The Unified Development Code (UDC) states: *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.*

a. Approval Process

The Comprehensive Plan amendment process for both the text and the FLUM typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Fair Oaks Ranch is as follows:

1. Initiation

A Comprehensive Plan amendment request may be initiated by the affected property owner, developer, or city staff upon recommendation of the Planning and Zoning Commission and/or the City Council.

2. As described in Chapter 3 of this document, a Pre-Application Conference is required if the request is initiated by an applicant.

3. Application Submittal

A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed in the Universal Application and Comprehensive Plan Amendment Submittal Checklist (Appendices A and B). Please refer to the meeting schedule on the City's web page for meeting dates and application deadlines.

4. Completeness Determination

City staff will determine whether the application is complete, as per the Unified Development Code (UDC) and the submittal checklist.

5. Staff Review

Staff will review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. Staff report will include a recommendation for final action to the Planning and Zoning Commission and City Council.

6. Notification of public hearings

Applicant Notice: Staff will notify the applicant of the dates of public hearings.

Published Notice: A legal notice will be sent to the local newspaper for publication by staff.

7. Public hearings of the Planning and Zoning Commission and City Council

will typically be held on the scheduled meeting dates. Please refer to the schedule of meetings posted on the City's website at: www.fairoaksranchtx.org. At the public hearings City staff will present a summary of the proposed Comprehensive Plan amendment. Applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearings. No action will be taken during public hearings. It is recommended that the applicant and/or property owner should be present at these meetings and be prepared to discuss the proposed amendment as well as answer any questions that arise.

8. Planning and Zoning Commission Meeting

The Planning and Zoning Commission will meet following the Public Hearing (typically the same night). At this meeting, the Planning and Zoning Commission will consider the request and make recommendations to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A Comprehensive Plan amendment request that is recommended for denial by the Commission will still be scheduled for City Council consideration.

It is important that the applicant and/or property owner be present at this meeting and be prepared to discuss the request and answer any questions that may arise.

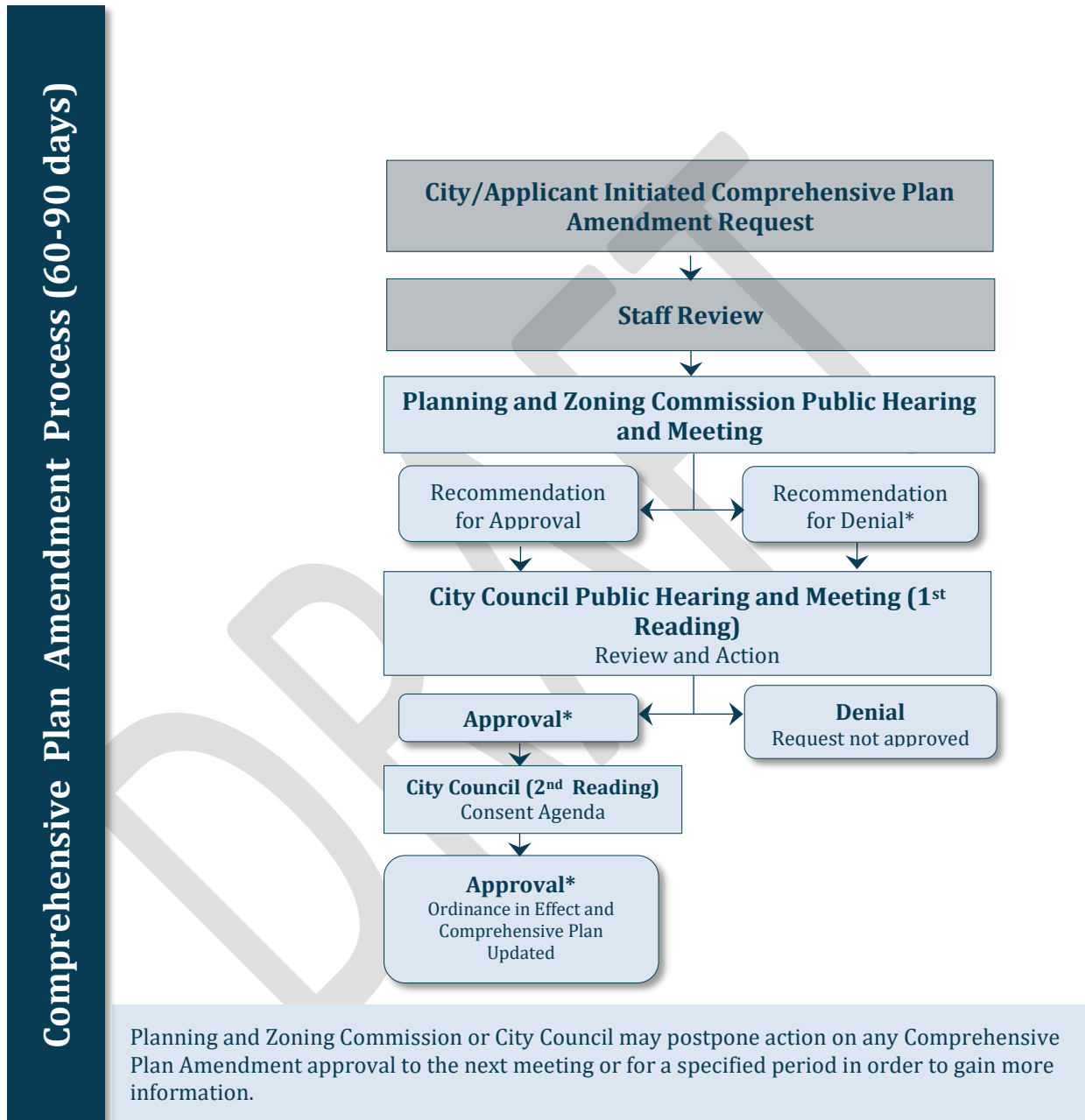
9. City Council Meeting

The City Council will conduct a public hearing and consider the proposed Comprehensive Plan amendment at their next scheduled meeting (typically on the third Thursday of the month) after the Planning and Zoning Commission meeting.

The Comprehensive Plan amendment will be approved after two readings of the ordinance. If the Council approves the amendment request, the ordinance becomes effective after second reading. If the Council disapproves the amendment request the same request may not be resubmitted to the City for one year from the original date of disapproval.

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b. Process Flowchart



*At least three-fourths vote of the city council is required to overrule a recommendation for denial by the Planning and Zoning Commission

c. Criteria for Approval

1. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
2. 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 (Section 3.7 (1) c. of the UDC):
 - a. Whether the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
 - b. Whether the proposed amendment is consistent with the Future Land Use element of the most recent version of Comprehensive Plan.
 - c. Whether the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.
 - d. 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.
 - e. 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.
 - f. 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. Conditions for Approval

Conditions cannot be placed on a Comprehensive Plan amendment approval.

e. Published Notice Requirement

Before the 15th day before the date of the hearing before the Planning and Zoning Commission and the City Council, public notice in an official newspaper or a newspaper of general circulation in the municipality will be published by the City. The notice will contain notice of the time and place of the hearing and a description of the item to be considered or reviewed.

f. Expiration

A Comprehensive Plan amendment has no expiration date.

g. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

h. Additional Information

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org. Please contact City staff for additional information.

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Chapter 5

ZONING

SECTION 5.1 GENERAL INFORMATION

a. Purpose

The purpose of Zoning is to classify land within the City by districts or zones in which uses are established. Zoning also provides developmental requirements pertaining to lot sizes, building sizes, yard setbacks, parking, landscaping, screening, etc. These requirements vary from district to district based on the character of the district.

b. Application

The City is divided into zoning districts, shown on the Official Zoning Map. One of the most important things to check prior to purchasing property for a particular purpose or planning a project within the City; residential or commercial, is the current zoning of the property.

The zoning of property will determine what can and cannot be developed on the property. If the zoning does not allow the use, a request may be made for a zone change (rezoning) or a Special Use Permit. Rezoning and Special Use Permits are voted on by the City Council, subsequent to receiving a recommendation from the Planning and Zoning Commission. An application does not guarantee that the rezoning or Special Use Permit will be approved.

Just because a use currently exists on site does not mean that it is a permitted use. There are uses that may have been legally established prior to the application of current regulations and are considered non-conforming uses. Continuation and expansions of such uses or even small additions to a property that is non-conforming may require a rezoning or other approval. Always confirm the zoning and contact the City Staff for verification, prior to purchasing property or planning to build.

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.

Not all uses are permitted in all zones.

Steps to find out what use is permitted on your property:

1. **Check the zoning district designation** of your property on the zoning map located in City's website at www.fairoaksranch.org
2. **Find out what use is permitted** in zoning district that property is located in. Check Table 4.2: Use Table, located in Chapter 4 of the Unified Development Code (UDC), also located on the City's web page
3. Request a zoning verification letter from the City, if needed.

c. 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 of the UDC for allowable uses within each Zoning District):

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

d. Description of Each District

Residential Districts

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.

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.

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 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 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.

Commercial / Mixed Use / Nonresidential Districts

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.

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.

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.

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.

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.

Special Districts

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) of the UDC.

SECTION 5.2 REZONING

The Unified Development Code (UDC) and the Texas Local Government Code both provide a process for rezoning requests. The Unified Development Code (UDC) states: *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.*

a. Approval Process

The rezoning process typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Fair Oaks Ranch is as follows:

1. **Initiation**
A rezoning may be initiated by property owner or his / her authorized agent or city staff upon recommendation of the Planning and Zoning Commission and/or the City Council.
2. **Pre-Application Conference**
As described in Chapter 3 of this document, a Pre-Application Conference is required.
3. **Application Submittal**
A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed on the Rezoning Submittal Checklist and the Universal Application. Please refer to the meeting schedule on the City's web page for meeting dates and application deadlines.
4. **Completeness Determination**
City staff will determine whether the application is complete, as per the Unified Development Code (UDC).
5. **Staff Review**
Staff will review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. Staff report will include a recommendation for final action to the Planning and Zoning Commission and City Council.
6. **Notification of public hearings**
Applicant Notice: Staff will notify the applicant of the date of public hearings.
Mailed Notice: Staff will send a written notice of the public hearing to all property owners within 200 feet of the subject property at least 11 days prior to the date of the joint public hearing. The notification will include information

regarding the location of the property and the requested zoning action.

Published Notice: A legal notice will be sent to the local newspaper for publication by staff.

Posted Notice: The City will be responsible for posting notice along rights-of-way frontage of the subject property at least fifteen (15) days prior to the scheduled public hearing.

7. public hearings of the Planning and Zoning Commission and City Council will typically be held on the scheduled meeting dates. Please refer to the schedule of meetings posted on the City's website at:

<https://fairoaksranchtx.org>.

At public hearings City staff will present a summary of the proposed zoning change. Applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able speak during public hearings. No action will be taken during the joint public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the zoning change as well as answer any questions that arise.

8. Planning and Zoning Commission Meeting

The Planning and Zoning Commission will meet following the public hearing (typically the same night). At this meeting the Planning and Zoning Commission will consider the request and make recommendations to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A rezoning request that is recommended for denial by the Commission will still be scheduled for City Council consideration.

It is important that the applicant and/or property owner be present at this meeting and be prepared to discuss the zone change and answer any questions that may arise.

9. City Council Meeting

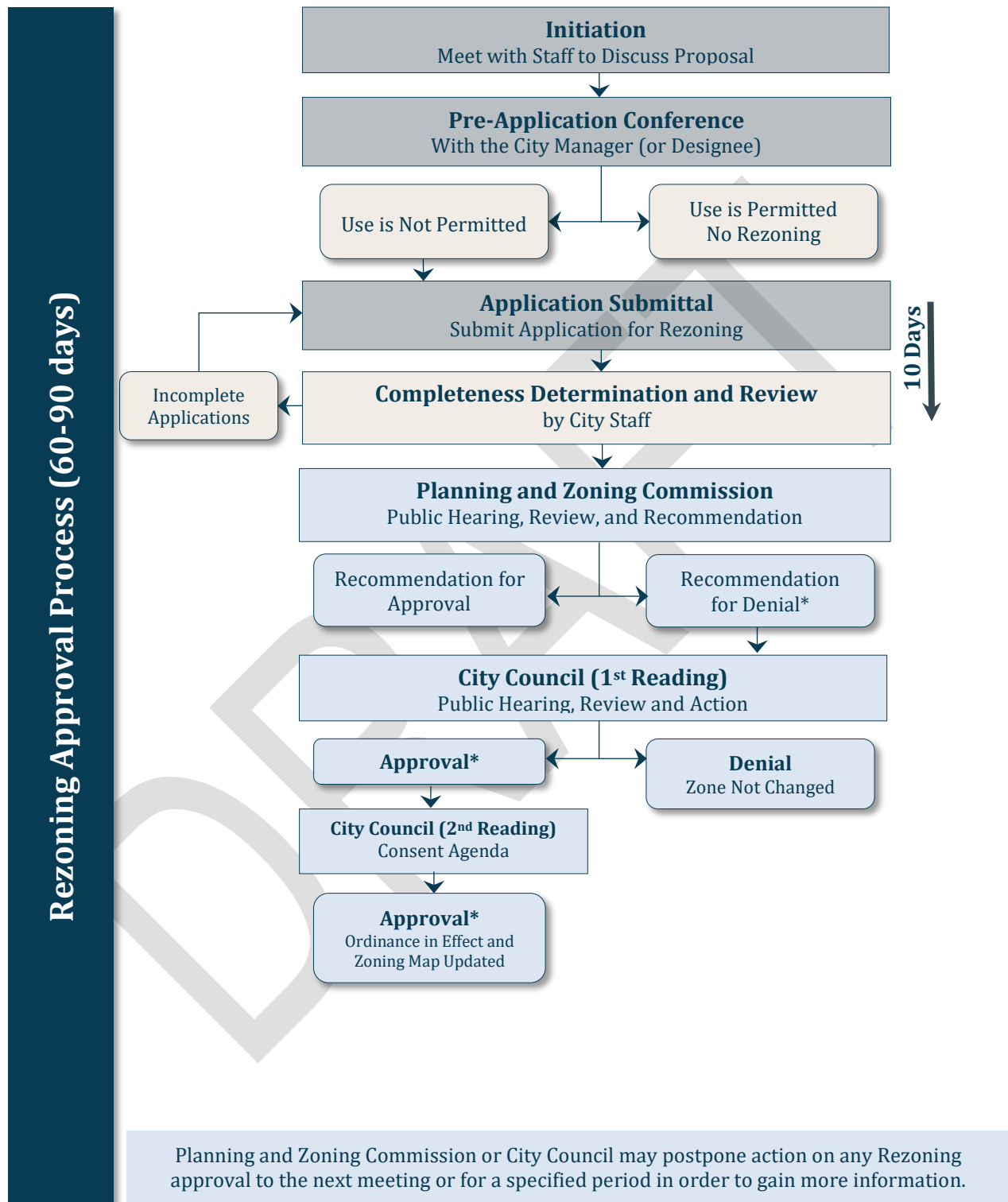
The City Council will conduct a Public Hearing and consider the proposed rezoning request at their next scheduled meeting (typically on the third Thursday of the month) after the Planning and Zoning Commission meeting. The rezoning will become effective by a simple majority vote of the City Council. At least three-fourths vote of the City Council is required:

- a. to overrule a recommendation for denial by the Planning and Zoning Commission, or
- b. if a proposed rezoning 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 residents inside the City limits).

The rezoning will be approved after two readings of the ordinance. If the Council approves the rezoning request, the ordinance becomes effective after second reading. If the Council disapproves the rezoning request the same request may not be resubmitted to the City for one year from the original date of disapproval. A different zoning request may be submitted for the same property at any time, as per Chapter 3 of the Unified Development Code.

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b. Process Flowchart



*At least three-fourths vote of the city council is required:

- To overrule a recommendation for denial by the Planning and Zoning Commission, or
- If a proposed rezoning has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract.

c. Criteria for Approval

1. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
2. Zoning changes may be approved when the following standards are met:
 - a. The zoning change is consistent with the Comprehensive Plan;
 - b. The zoning change promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
 - c. The zoning change is compatible with and conforms with uses of nearby property and the character of the neighborhood;
 - d. The property affected by the zoning change is suitable for uses permitted by the proposed amendment to the zoning map;
 - e. Infrastructure, including roadway adequacy, sewer, water and storm water facilities, is or will be committed to be available that is generally suitable and adequate for the proposed use; and
 - f. 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. Conditions for Approval

Conditions cannot be placed on a rezoning approval.

e. Expiration

A rezoning has no expiration date and stays with the land.

f. Submittal Checklist

Refer to Appendices A and B.

g. Posting of Notification Signs on Property Under Consideration for a Rezoning

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. Multiple signs may be required for corner lots or lots with significant linear distance along the streets.

h. Additional Information

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org. Please contact City staff for additional information

SECTION 5.3 SPECIAL USE PERMIT

Special Use Permits allow for discretionary City Council approval of certain uses with unique or widely varying operating characteristics or unusual site development features and subject to the specific terms and conditions. These uses may locate in districts as indicated in the UDC under Table 4.2: Use Table. These specific uses shall commence only after a Special Use Permit is recommended by the Planning and Zoning Commission and approved by the City Council.

a. Approval Process

The Special Use Permit process is similar to a rezoning process and typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Fair Oaks Ranch is as follows:

1. **Initiation**
A Special Use Permit may be initiated by a property owner or his / her authorized agent or city staff upon recommendation of the Planning and Zoning Commission and/or the City Council.
2. **Pre-Application Conference**
As described in Chapter 3 of this document, a Pre-Application Conference is required.
3. **Application Submittal**
A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Special Use Permit Submittal Checklist and the Universal Application.
4. **Completeness Determination**
City staff will determine whether the application is complete, as per the Unified Development Code (UDC).
5. **Staff Review**
Staff will review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. Staff report will include a recommendation for final action to the Planning and Zoning Commission and City Council.
6. **Notification of Public Hearing**
Applicant Notice: Staff will notify the applicant of the dates of the public hearings.
Mailed Notice: Staff will send a written notice of public hearings to all property owners within 200 feet of the subject property at least 11 days prior to the date of the public hearing. The notification will include information regarding the location of the property and the requested Special Use Permit.
Published Notice: A legal notice will be sent to the local newspaper for

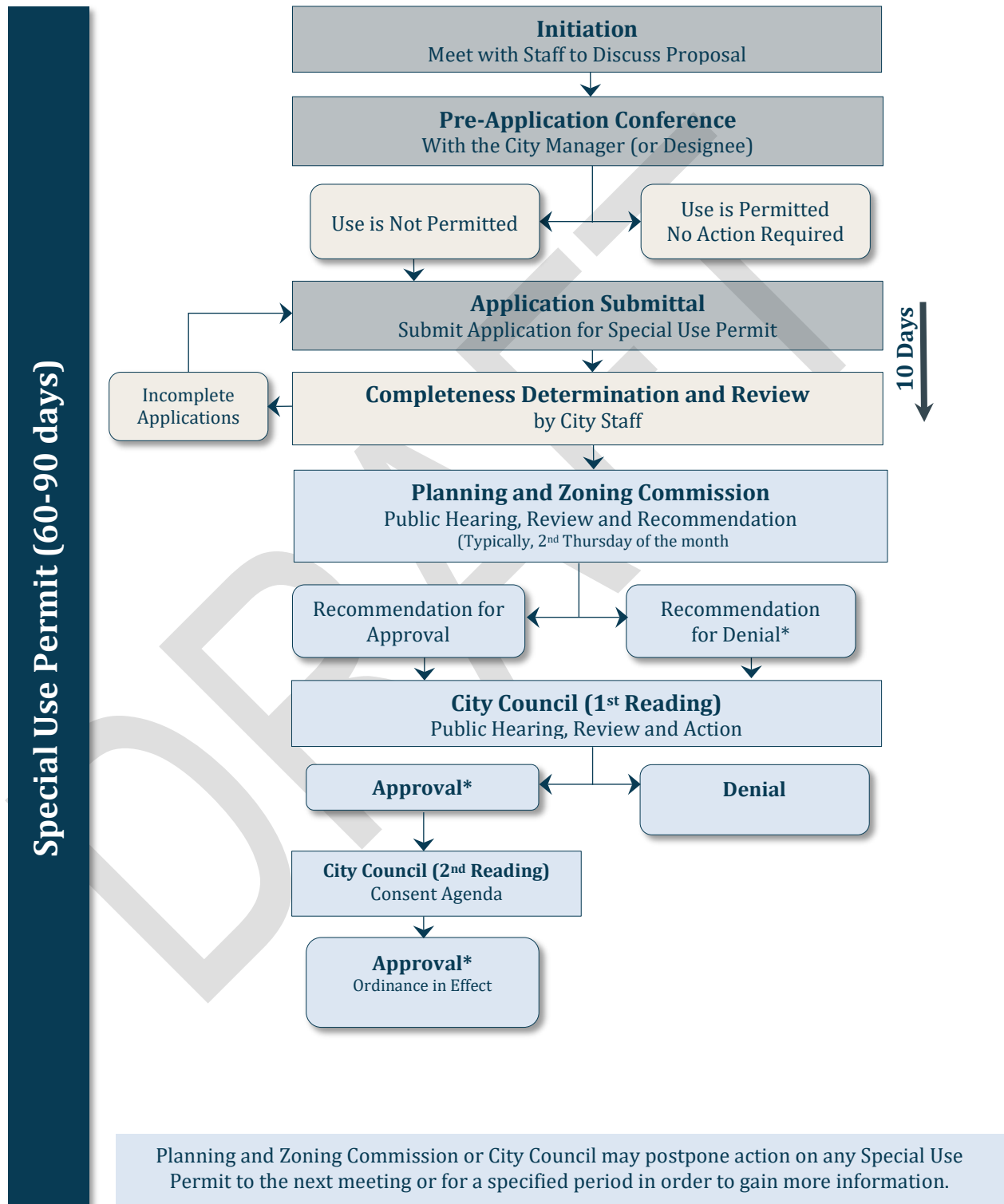
publication by staff.

Posted Notice: The applicant will be responsible for posting notice along rights-of-way frontage of the subject property at least fifteen (15) days prior to the scheduled public hearing.

7. public hearings of the Planning and Zoning Commission and City Council will typically be held on the scheduled meeting dates. Please refer to the [schedule of meetings](#) posted on the City's [website](https://fair Oaks Ranch TX.org) at: <https://fair Oaks Ranch TX.org>. At public hearings City staff will present a summary of the proposed Special Use Permit request. Applicant will be provided an opportunity to make a presentation, and persons in support of or in opposition to the proposed request will be able speak during the public hearing. No action will be taken during the public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the request as well as answer any questions that arise.
8. **Planning and Zoning Commission Meeting**
The Planning and Zoning Commission will meet following the public hearing (typically the same night). At this meeting the Planning and Zoning Commission will consider the request and make recommendations to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A Special Use Permit request that is recommended for denial by the Commission will still be scheduled for City Council consideration.
It is important that the applicant and/or property owner be present at this meeting and be prepared to discuss the request and answer any questions that may arise.
9. **City Council Meeting**
The City Council will conduct a public hearing and consider the proposed Special Use Permit request at their next scheduled meeting (typically on the third Thursday of the month) after the Planning and Zoning Commission meeting. The Special Use Permit will become effective by a simple majority vote of the City Council.
At least three-fourths vote of the City Council is required:
 - a. to overrule a recommendation for denial by the Planning and Zoning Commission, or
 - b. if a proposed Special Use Permit 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 Special Use Permit will be approved after two readings. If the Council approves the Special Use Permit request, the ordinance becomes effective second reading. A different Special Use Permit request may be submitted for the same property at any time as per as per Chapter 37 of the Unified Development Code.

b. Process Flowchart



*At least three-fourths vote of the city council is required:

- To overrule a recommendation for denial by the Planning and Zoning Commission, or
- If a proposed request has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract.

c. Criteria for Approval

1. 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 staff for compliance with this Code.
2. In addition to the criteria for zoning changes found in the above section, the City Council may approve an application for a Special Use Permit upon review of:
 - a. impact upon residents of surrounding property or upon the general public;
 - b. potential use's impact on the health, safety and welfare of the surrounding neighborhood;
 - c. 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.

Each case subject to a Special Use Permit will be judged upon its unique circumstances and location.

d. Conditions for Approval

The City Council may consider a list of issues in approving or denying the application and may impose conditions that it deems necessary to mitigate the negative impacts of the proposed Special Use Permit, based upon the project's unique circumstances and siting.

e. Expiration

Special Use Permits do not have an expiration date. However, 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.

As per UDC section 3.7 (3), Special Use Permits must be resubmitted to the City Manager and the City Council for consideration using the modified Site Plan.

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.

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.

f. Submittal Checklist

Refer to Appendices A and B.

g. Posting of Notification Signs on Property Under Consideration for a Special Use Permit

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.

h. Additional Information

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org. Please contact City staff for additional information..

SECTION 5.4 PLANNED UNIT DEVELOPMENT

a. Purpose

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. Approval Process

The Planned Unit Development (PUD) process is similar to a rezoning process but includes a mandatory Pre-Application conference with City staff. Since a detailed Concept Plan is required and reviewed by the City staff, the Planning and Zoning Commission, and the City Council, the process typically requires more than the 60-90 days required for rezoning. **A PUD constitutes a PUD Development Ordinance and a PUD Concept Plan that are attached to the PUD application and are approved by the City Council.**

PUD Development Ordinance: The approved PUD development ordinance becomes, in effect, a modification to the regulations and standards of the Unified Development Code (UDC) for land included in the PUD. The PUD development ordinance applies to all future or ongoing development approvals or permits for land within the PUD, in addition to other requirements of the Unified Development Code (UDC)

PUD Concept Plan 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. If the PUD Concept Plan deviates substantially from the Comprehensive Plan or the Future Land Use Map, then these documents will need to be amended as separate processes.

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 the Unified Development Code (UDC) for subdivisions and the requirements of the most restrictive standard Zoning District in which designated uses are permitted.

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

The process in the City of Fair Oaks Ranch is as follows:

1. 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 City Manager and City Staff will offer 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. 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:

- a. 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.
- b. 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.

- c. The general layout proposed for the PUD, showing the following:
 1. Areas proposed for residential development,
 2. Development and building forms and densities proposed in each such area,
 3. Areas proposed for non-residential development and the general nature of the uses proposed in each such area, and
 4. Areas proposed as open space or parks and the general character proposed for each such area.
 5. 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.
 6. Total number of residential dwelling units of each type proposed development, and the approximate gross square footage of each type of all types of development proposed.
 7. Impervious cover including all sidewalks, driveways, roads, parking, etc.
 8. Amenities and site enhancements
3. 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:

 - a. 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.
 - b. 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.
 - c. 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.
 - d. FORHA or HOA (Association over the PUD). A draft of the legal Instrument establishing the Association.
 - e. Budget. A draft multi-year budget for the Association.

4. Form and Content of Final PUD Plan

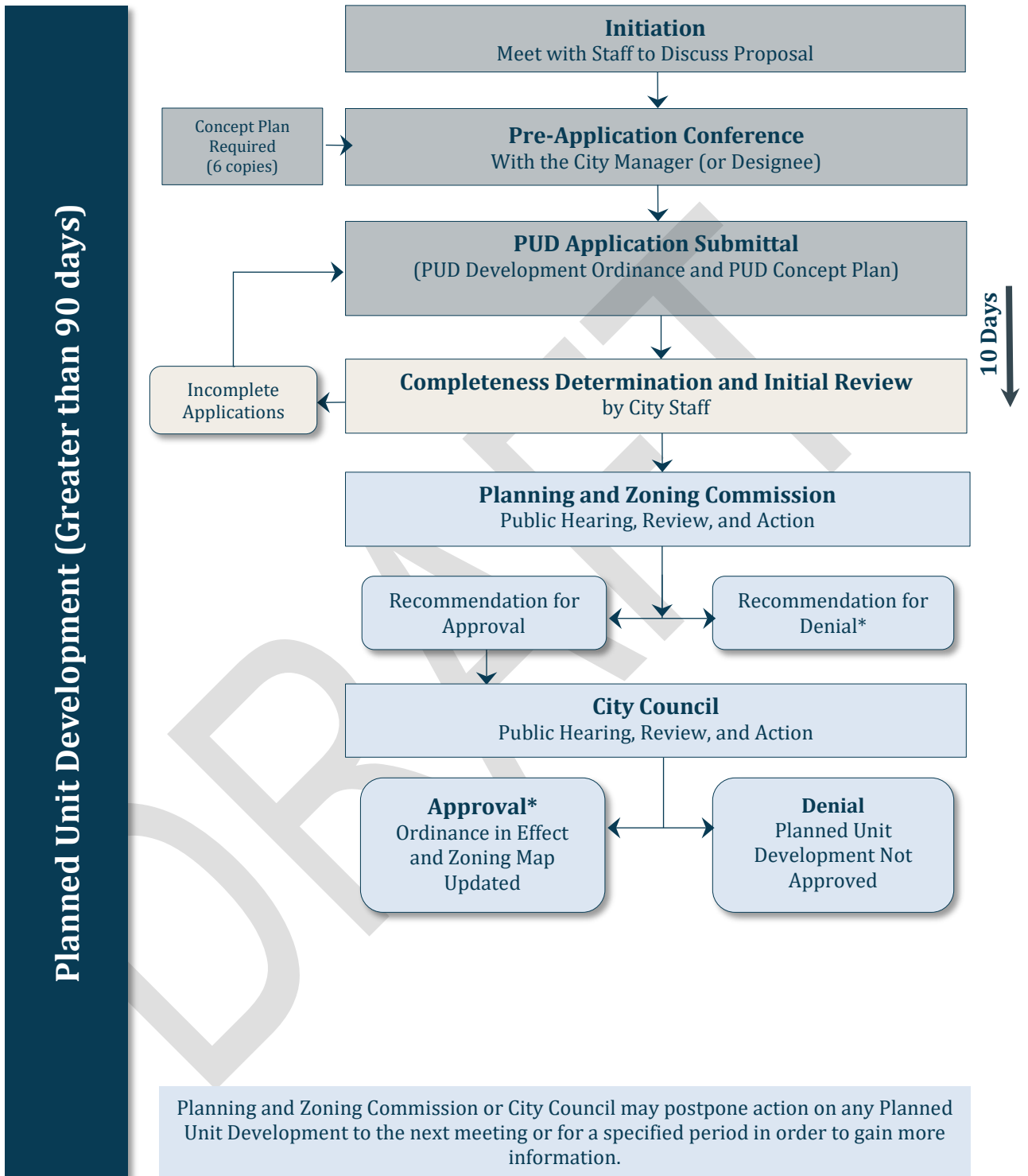
The Final PUD Plan will include:

- a. 24" by 36" copies of the Final PUD Plan,
- b. 8 1/2" x 11" black and white copy, and
- c. A digital file of the Final PUD Plan in a PDF format.
- d. 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.
- e. The Final PUD Plan for the proposed development must be drawn, signed, and sealed by a Professional Engineer certified in the state of Texas and must include the following:
 - i. Date, scale, north arrow, name of Subdivider, title of the plan/development and name of the person preparing the PUD Plan;
 - ii. 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;
 - iii. 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.
 - iv. The ROW and description of all proposed streets and alleys within the subdivision;
 - v. The location, ROW, and type or purpose of all existing easements within and adjacent to the subdivision;
 - vi. 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;
 - vii. 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;
 - viii. The area and acreage in each distinct type of proposed land use;
 - ix. 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;
 - x. 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

- xi. The information, which is presented graphically in the PUD plan must be accompanied by the following information in narrative or tabular form:
 - The total number of dwelling units in each distinct type proposed;
 - The total acreage in each distinct type of residential development; and the resulting densities in dwelling units per acre;
 - The total acreage and gross square feet proposed in each distinct type of nonresidential development;
 - 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
 - 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.
5. 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:
- a. Legal Instrument Establishing the Association. A legal instrument establishing the Association, approved by the City Attorney;
 - b. Budget. A multi-year budget for the community association, approved by the City;
 - c. 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
 - d. 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. Process Flowchart



*At least three-fourths vote of the city council is required:

- To overrule a recommendation for denial by the Planning and Zoning Commission, or
- If a proposed request 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 residents inside the City limits).

d. Criteria for Approval

The Development ordinance and Concept Plan associated with the PUD will be approved if the following criteria is met:

- 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 Water and Wastewater Master Plans.
- 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. Open 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. The Final PUD Plan will include the entire area of the tract, which is to be developed as a PUD, and will indicate the sequence and approximate schedule for development of all the various subareas within the tract, if phasing is proposed, 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. Lot Size: There is no minimum lot size, minimum width and minimum street frontage 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.

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 10 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 nonresidential 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 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 properties in the subdivision.
6. Community open space which is proposed to be dedicated as parkland will be accepted based on the desirability of the open space and the City's 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 Final Plat with other easements, ROW and other improvements. 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.

e. Conditions for Approval

It is recommended that all conditions placed on a PUD approval should be incorporated in the PUD Concept Plan and PUD Development Ordinance prior to final approval by the City Council.

f. Expiration

A PUD has no expiration date.

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.

- ii. Alter the land use in an area within 200 feet of a boundary of the PUD, or 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 or alter the location of the community open space by 10 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.

Nonsubstantial Amendments. Within 30 days from the official date of submission of the application for a Nonsubstantial Amendment, the City Manager must:

- i. approve it
- ii. 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
- iii. defer the Nonsubstantial Amendment to the City Council. 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
 - a. approve Nonsubstantial Amendment,
 - b. 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
 - c. deny the Nonsubstantial amendment.

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

h. Submittal Checklist

Refer to Appendices A and B.

i. Posting of Notification Signs on Property Under Consideration for a Rezoning

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.

j. Additional Information

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org. Please contact City staff for additional information.

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SECTION 5.5 CONSERVATION DEVELOPMENT ALTERNATIVE

a. Purpose

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.

Conservation Developments may be used to provide the following:

- i. Preservation in perpetuity of unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitats;
- ii. Preservation of important historic and archaeological sites;
- iii. 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;
- iv. Reduction of erosion and sedimentation by minimizing land disturbance and removing vegetation in residential development through a reduced building footprint;
- v. Promotion of interconnected greenways and corridors throughout the community and of contiguous green space with adjacent jurisdictions;
- vi. Encourage street designs which reduce traffic speeds and reliance on major arteries;
- vii. 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;
- viii. 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
- ix. Preservation of prime agricultural and forest lands and a reduction in the economic pressures for converting such land to urbanized uses.

A Conservation Development Alternative is applicable for the following land:

- Zoned Rural Residential or Neighborhood Residential Districts
- Minimum ten (10) contiguous acres or more
- Incorporates “low impact design” principles as set forth in Chapter 8 of the UDC
- Under unified control and planned and developed as a whole (single development operation or developed in stages)

A Conservation Development does not require amendments to the zoning map.

If the development covers more than one parcel, all parcels need to be contiguous, and the entirety of each included parcel will be included in the gross area of the development.

In order to incentivize Conservation Development, ensure 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 below. There is no individual lot size minimum, but the lots shall conform to the base zoning setback requirements.

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)

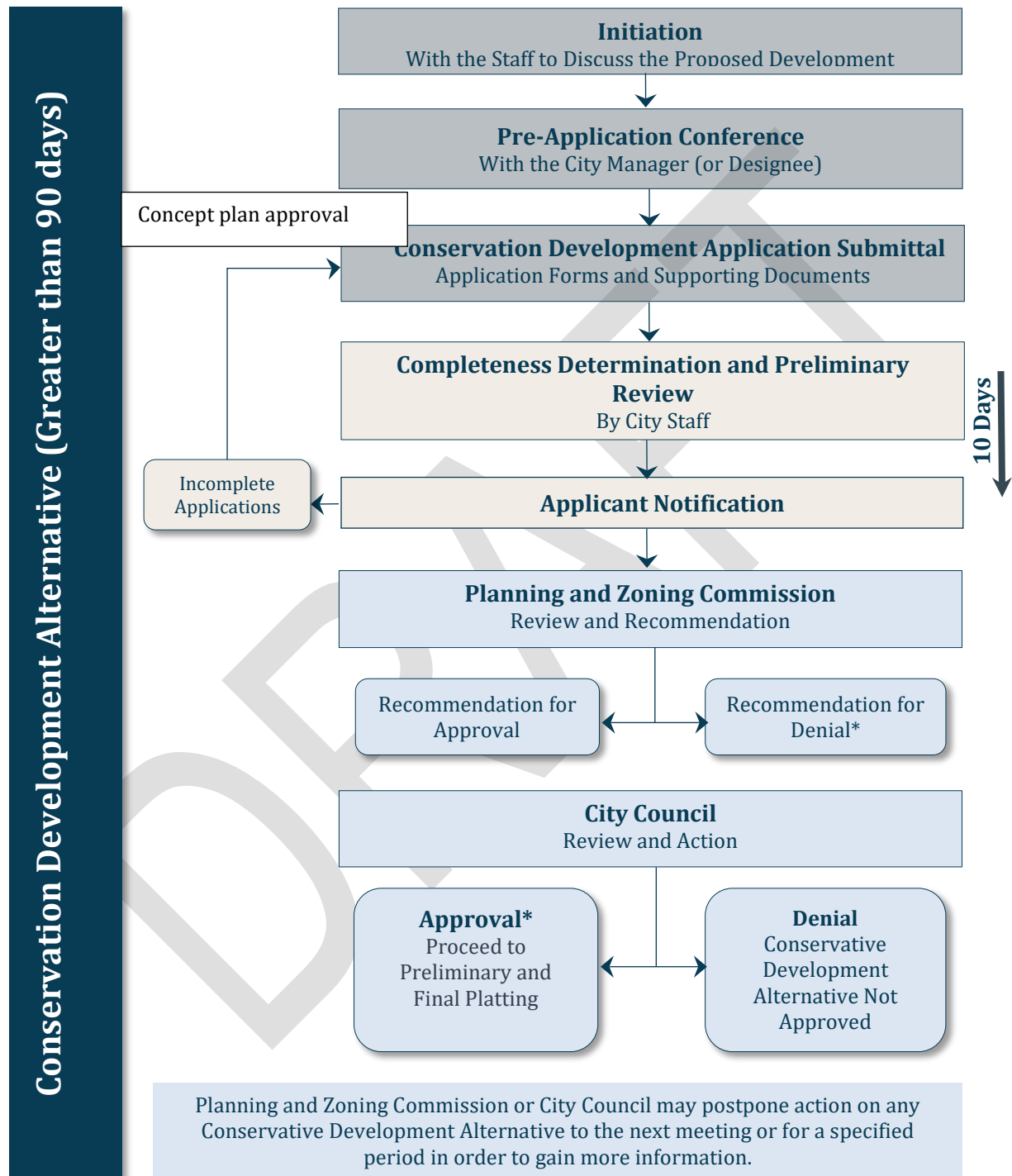
In addition to smaller lots, Conservation Development requires a certain amount of permanently protected Open Space as discussed later in this chapter.

b. Approval Process

The approval process is part of the subdivision approval and typically requires more than 90 days. A Conservation Development Plan needs to be approved prior to platting. A Conservation Development Plan supporting documents must accompany a plat submittal and both Preliminary Plat and Final Plat must indicate such on the plat (as mentioned in the chapter 3 of the UDC). The process includes:

- Pre-Application Conference
- Submission of Concept Plan for parcels over 50 acres
 - Completeness Review and Written Determination
 - Administrative Review
 - Planning and Zoning Commission Review and Recommendation
 - City Council Review and Final Decision
- Submission of CDA Application
 - Completeness Review and Written Determination
 - Administrative Review
 - Planning and Zoning Commission Review and Recommendation
 - City Council Review and Final Decision

c. Process Flowchart



d. Criteria for Approval

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:

- i. Comprehensive Plan. The development must be compatible with the goals and policies of the City's Comprehensive Plan; and,
- ii. Meet the minimum standards and requirements identified in Sections 8.3(3)-(6) of the UDC and summarized below.

e. Standards

The following standards, contained in Section 8.3 of the UDC will apply to all Conservation Developments:

- i. All street and utility improvements will be constructed to City standards, except upon City's approval private street widths may vary from those required in the subdivision regulations, and interior streets may be either public or private.
- ii. Continuous and perpetual maintenance of stormwater management facilities, common open space, common recreation facilities, private roads, utilities, parking areas, and other similar development will be provided in a form and manner acceptable to the City.
- iii. Platting will be required for all projects that involve subdivision of land. Lots in platted Conservation Developments may be sold to separate owners.
- iv. Comprehensive site planning is required to encourage design flexibility, conservation of natural amenities, and innovations that result in a higher quality residential environment than traditional subdivisions.
- v. Conservation Areas. A minimum of 30 percent of the Conservation Development will be restricted as Conservation Area. The following 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:
 1. *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.
 2. *Slopes* above 25 percent of at least 5000 square feet contiguous area.
 3. *Wetlands* determined to be jurisdictional by the U.S. Army Corps of Engineers (USACE), including non-jurisdictional wetlands that meet the definition in the 1987 USCAE Wetlands Delineation Manual.
 4. *Forests* of at least one-acre contiguous area.
 5. *Floodplains* - 100-year floodplain.
 6. *Important Sites*, including historic and archaeological sites, cemeteries,

- and burial grounds.
- 7. *Natural Features* - 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.
- 8. *Agricultural land* of at least five acres.
- 9. *Existing Trails* that connect the Conservation Development to neighboring areas.
- 10. *Endangered or Threatened Species Habitat* and their populations.

f. Uses in Open Space/Conservation Area

i. Allowed Uses:

- 1. Conservation of natural, archaeological or historical resources including meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
- 2. Walking or bicycle trails constructed of porous paving materials.
- 3. 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.
- 4. 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 Areas and provided such uses do not involve the clearing of forests, the filling of wetlands, or the conversion of forests to monocultures.
- 5. Easements for drainage, access, and underground utility lines.
- 6. Other conservation-oriented uses compatible with the purposes of the Conservation Development.

ii. Prohibited Uses:

- 1. Golf courses.
- 2. Impervious surfaces - roads, parking lots, and other impervious surfaces, except as specifically authorized in the UDC.
- 3. Impoundments.
- 4. Commercial uses.
- 5. Mining Uses.
- 6. Water/wastewater treatment plants or stormwater management facilities.
- 7. Other activities as determined by the Developer.
- 8. Recorded- All prohibited uses will be clearly indicated in the conservation easement document.

iii. Public Access. Whether or not to allow public access to the protected Open Space is at the discretion of the Applicant

g. Application Requirements

The application will include the following:

- i. Subdivision Plat as per the UDC and items listed in the Submittal Checklist below. It will be clearly indicated on the Preliminary and Final Plats that the proposed subdivision is a Conservation Development;
- ii. Conservation Development Site Plan;
- iii. Conservation Development Site Analysis Map showing:
 1. 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;
 2. All streams, rivers, lakes, and other hydrologic features;
 3. General vegetation characteristics;
 4. General soil types as determined from the latest soil survey by the Natural Resources Conservation Service of the United States Department of Agriculture;
 5. Planned location of protected Open Space;
 6. Total acreage of buildable area in the Conservation Development;
 7. Potential connections with existing green space and trails; and
 8. Location and total area of proposed impervious surfaces.
- iv. Management Plan as described in Section 8.7(4) of the UDC.
- v. A Conservation Easement, as described in Section 8.3 (7) of the UDC, 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.

h. Criteria for Approval

All documents will be reviewed using the criteria in the UDC set forth for Conservation Development and preliminary and final subdivision approval.

i. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

j. Expiration

Construction of public improvements is required to be completed within two years of approval. Once the plat is recorded, there is no expiration date.

k. Submittal Checklist

Refer to Appendices A and B.

l. Posting of Notification Signs on Property

Not required.

m. Additional Information

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org Please contact City staff for additional information.

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Chapter 6

VARIANCE AND SPECIAL EXCEPTION

The UDC allows for variation of certain standards, other than use regulations and corrections of errors upon approval by the Zoning Board of Adjustment (ZBOA). There are two types of applications that the ZBOA can approve in this regard - Variances and Special Exceptions.

SECTION 6.1 VARIANCE

a. Purpose

The purpose of a Variance is to allow for the relief or variation from the zoning related requirements of the UDC, as it applies to a specific piece of property. A hardship must be proven in order to have a variance granted. Zoning related variances are granted by the ZBOA and are considered judicial variances. These are different from the policy variances that relate to other development standards and are granted by the City Council.

A true hardship means that it is unusually difficult for a landowner to comply with the regulations due to some unique or peculiar aspect of the property itself. Personal needs or wishes of the landowner do not constitute a hardship. A hardship also must not be self-created or financial.

b. Approval Process

The variance process typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Fair Oaks Ranch is as follows:

1. Initiation

A Variance process may be initiated by a property owner or his / her authorized agent or city staff upon recommendation of the Planning and Zoning Commission and/or the City Council.

2. Pre-Application Conference

As described in Chapter 3 of this document, a Pre-Application Conference is strongly recommended. Staff will evaluate the issue and instruct the applicant on what the staff recommendation will be to the ZBOA and assist in exploring alternatives to meet the applicant's goals.

3. Application Submittal

A complete application by the property owner or the applicant must be made in a format consistent with requirements established by the City with all items listed on the Variance Submittal Checklist and the Universal Application.

4. Completeness Determination

City staff will determine whether the application is complete, as per the Unified Development Code (UDC).

5. Staff Review

Staff will review the application considering any applicable criteria for approval and prepare a report to the ZBOA. Staff report will include an analysis of the hardship and recommendation for final action to the ZBOA.

6. Notification of Public Hearing

Applicant Notice: Staff will notify the applicant of the date of the public hearing.

Mailed Notice: Staff will send a written notice of the public hearing to all property owners within 200 feet of the subject property at least 10 days prior to the date of the joint public hearing. The notification will include information regarding the location of the property and the requested zoning action.

Published Notice: A legal notice will be sent to the local newspaper for publication by staff.

Posted Notice: The City will be responsible for posting notice along rights-of-way frontage of the subject property at least fifteen (15) days prior to the scheduled public hearing. The posting will remain until the time of the hearing.

7. A Public Hearing of the ZBOA

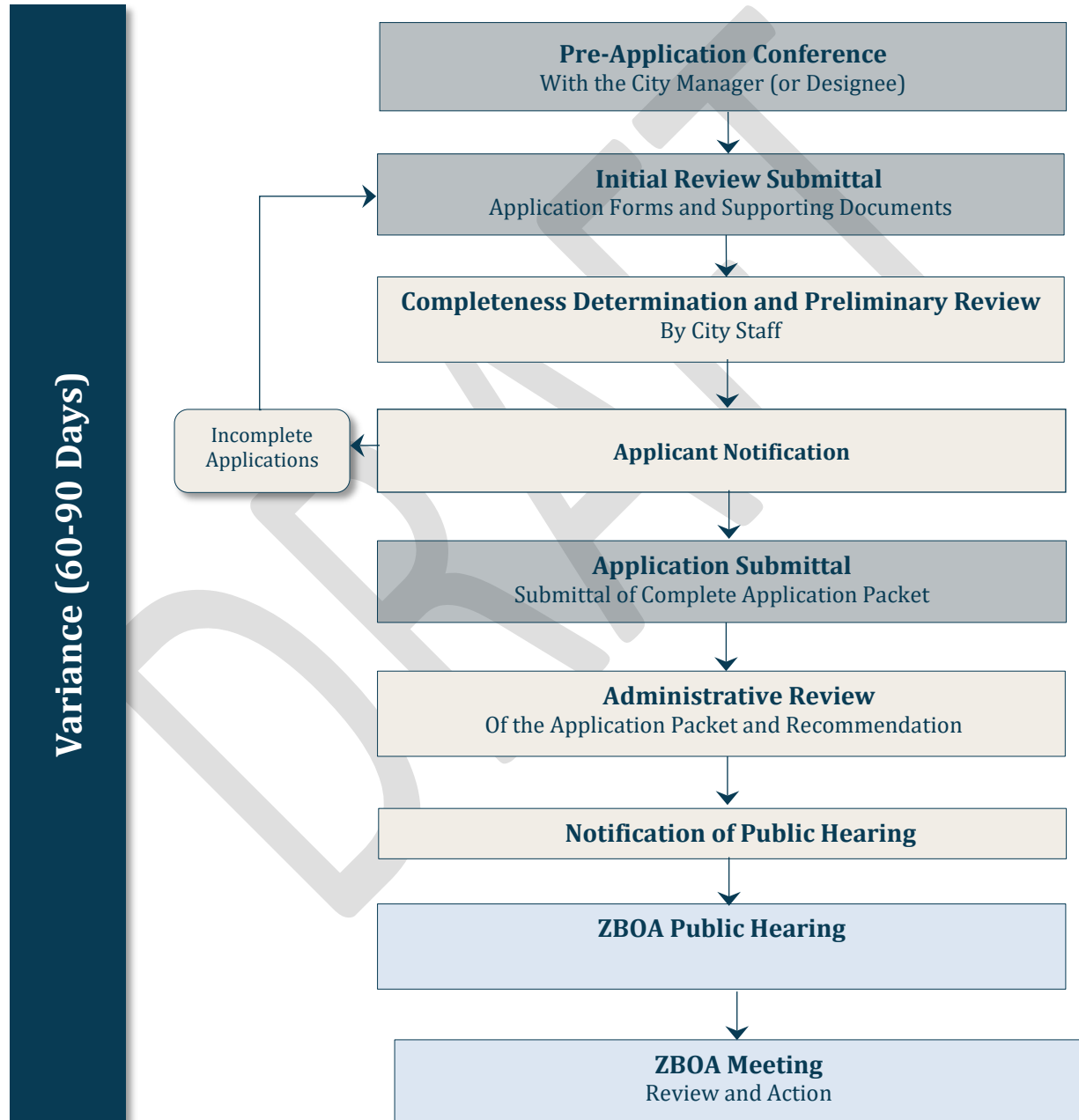
Please contact staff or refer to the [schedule of meetings](https://fair Oaks Ranch TX.org) posted on the City's website at <https://fair Oaks Ranch TX.org>.

At the public hearing, City staff will present a summary of the requested variance. Applicant will be provided an opportunity to make a presentation, and persons in support of or in opposition to the proposed request will be able to comment during the public hearing. No action will be taken during this public hearing. It is recommended that the applicant and/or property owner be present at this public hearing and be prepared to discuss the request as well as answer any questions that arise.

8. ZBOA Meeting

The ZBOA will meet following the public hearing, the same night to consider the request and act on the request.

c. Process Flowchart



d. Criteria for Approval

1. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
2. The ZBOA must make the determination that all of the following apply:
 - i. There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the 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. The variance would not be justified due to inconvenience or financial disadvantage;
 - ii. The Variance is necessary for the preservation of a substantial property right of the applicant;
 - iii. Granting of the Variance will not be detrimental to the public health, safety, or welfare, or injurious to other properties in the area, or to the City in administering the Code;
 - iv. Conditions that create the need for the Variance do not generally apply to other properties in the vicinity;
 - v. Conditions that create the need for the Variance are not the result of the applicant's own actions;
 - vi. Granting of the Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code; and
 - vii. Due to 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.

e. Conditions for Approval

Conditions can be placed on a Variance approval, as deemed appropriate by the ZBOA.

f. Expiration

A Variance has no expiration date.

g. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

h. Posting of Notification Signs on Property

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.

i. Additional Information

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org. Please contact City staff for additional information

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SECTION 6.2 SPECIAL EXCEPTION

a. Purpose

The purpose of a Special Exception is to provide a method by which human error (e.g., miscalculations) may be corrected. Special Exceptions are specified deviations from applicable development standards for a proposed development that would be:

1. Compatible with surrounding land uses.
2. Harmonious with the public interest.
3. Consistent with the purposes of the UDC.
4. Compliant with all other elements of the UDC not specifically excused or permitted by the Special Exception.

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

b. Approval Process

The Special Exception process is similar to a variance process and typically requires 60 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Fair Oaks Ranch is as follows:

1. Initiation

A Special Exception process may be initiated by a property owner or his / her authorized agent or city staff upon recommendation of the Planning and Zoning Commission and/or the City Council.

2. Pre-Application Conference

As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended.

3. Application Submittal

A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Variance Submittal Checklist and the Universal Application.

4. Completeness Determination

City staff will determine whether the application is complete, as per the UDC.

5. Staff Review

Staff will review the application considering any applicable criteria for approval and prepare a report to the ZBOA. Staff report will include an analysis of the special exception and recommendation for final action to the ZBOA.

6. Notification of Public Hearing

Applicant Notice: Staff will notify the applicant of the date of the public hearing.

Mailed Notice: Staff will send a written notice of the public hearing to all

property owners within 200 feet of the subject property at least 10 days prior to the date of the joint public hearing. The notification will include information regarding the location of the property and the requested zoning action.

Published Notice: A legal notice will be sent to the local newspaper for publication by staff.

Posted Notice: The City will be responsible for posting notice along rights-of-way frontage of the subject property at least fifteen (15) days prior to the scheduled public hearing.

7. A Public Hearing of the ZBOA

Please refer to the [schedule of meetings](http://www.fairoaksranchtx.org/) posted on the City's [website](http://www.fairoaksranchtx.org/) at www.fairoaksranchtx.org/.

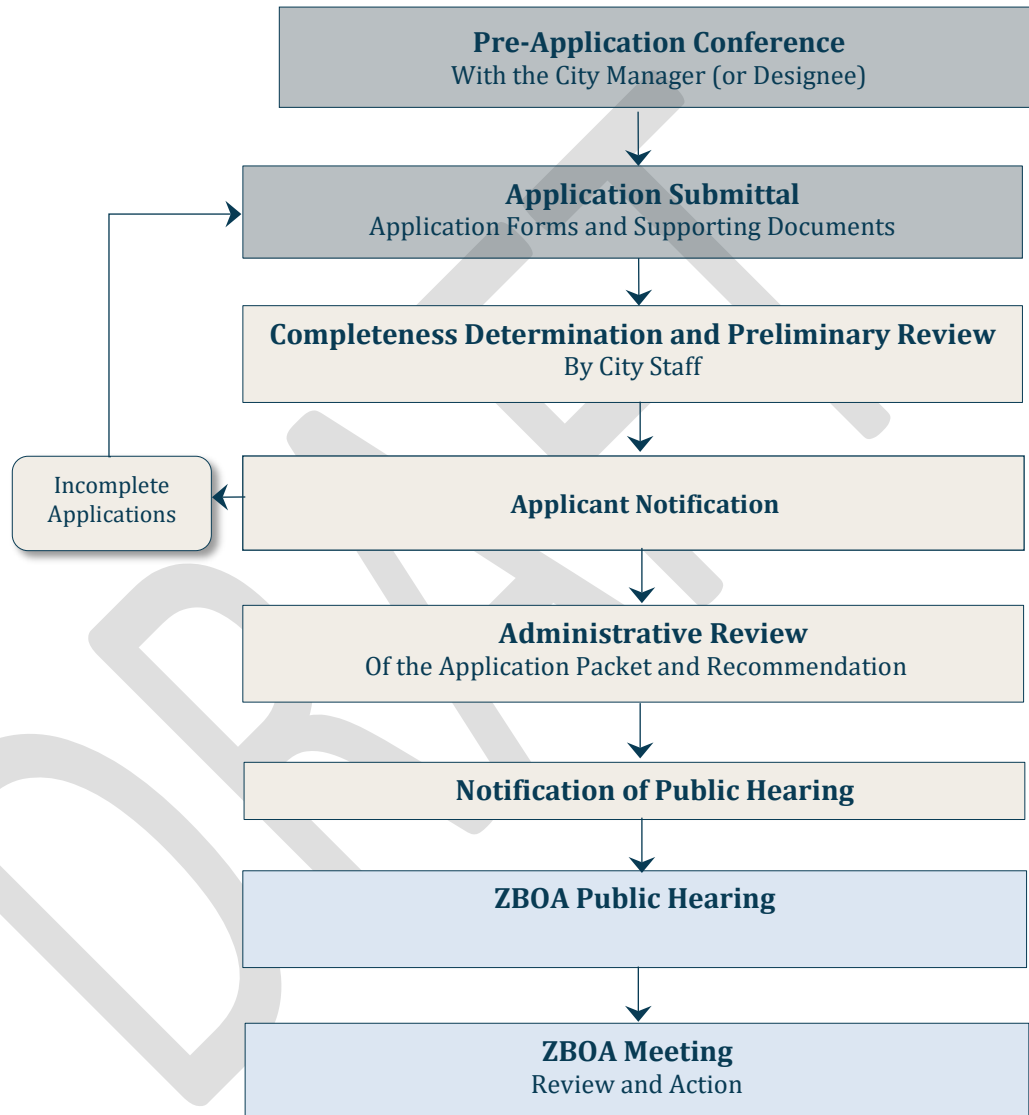
At the public hearing City staff will present a summary of the requested Variance/Special Exception. Applicant will be provided an opportunity to make a presentation, and persons in support of or in opposition to the proposed request will be able to comment during the public hearing. No action will be taken during the joint public hearing. It is recommended that the applicant and/or property owner be present at this meeting and be prepared to discuss the request as well as answer any questions that arise.

8. ZBOA Meeting

The ZBOA will meet following the public hearing, the same night to consider the request and act on the request.

c. Process Flowchart

Special Exception (60 Days)



d. Criteria for Approval

1. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
2. The ZBOA must make the following determination that the following apply:
 - 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 due to 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.

e. Conditions for Approval

Conditions can be placed on a Special Exception approval, as deemed appropriate by the ZBOA.

f. Expiration

A Special Exception has no expiration date.

g. Submittal Checklist

Please see - Universal Application and Submittal Checklist for applicable forms and checklists.

h. Posting of Notification Signs on Property

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. Notice to remain posted until the public hearing.

i. Additional Information

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org. Please contact City staff for additional information

Chapter 7

PLATTING AND SUBDIVISIONS

SECTION 7.1 GENERAL INFORMATION

a. Purpose

A plat is a drawing that geographically represents a property. A plat describes metes and bounds based upon a land survey prepared by a licensed registered surveyor, and describes the dimensions and location of lot lines, streets, and easements and establishes the lot, block and subdivision name. Subdivision related procedures are necessary to establish how individual lots or projects may be developed.

Platting is required prior to the subdivision, re-subdivision, sale, lease, transfer or development of any land within the City, or its extraterritorial jurisdiction except for:

- 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
- Divisions of land created by order of a court of competent jurisdiction.
- A change in ownership of a property through inheritance or the probate of an estate
- Cemeteries
- Those plats exempted in LGC §212.004

Section 212.004 of the Texas Local Government Code states that the owner of a tract of land located within the limits of a municipality, who divides the tract into two or more parts, must have a plat of the subdivision prepared.

No Building Permit for a structure or Certificate of Occupancy may be issued for any parcel or tract of land until such property has been appropriately platted and recorded in conformity with the provisions of this UDC.

b. Plat Types

The following types of plats are permitted in the City of Fair Oaks Ranch:

1. Amending Plat
2. Minor Plat
3. Development Plat
4. Replat
5. Preliminary Plat
6. Final Plat

Approval Authority

Minor Plats, Amending Plats, and Development Plats are approved administratively by the City Manager or his designee.

Preliminary Plats, Final Plats, and Replats are approved by the City Council after receiving a recommendation by the Planning and Zoning Commission.

c. General Process for Completion and Acceptance of Public Improvements

Phase 1: Internal Plan Review

Plans Reviewed:

- All plans must be drawn, signed, and sealed by a Texas Registered Professional Engineer and the design must be in accordance with the City of Fair Oaks Ranch construction design manual, standard construction details, storm water design manual and other design related regulations that can be found on the City website, Chapter 9 of the UDC and Minimum Design Standards and Specifications.
- Three (3) sets of full-size plans are required for each plan submittal to the Engineering Division.
- The completeness check process will take from 5 to 10 business days starting from the first full day after receipt. If the plan set is deemed complete and includes all the items listed in the Specific Application Form, staff will conduct the review.

Comments Sent to Applicant:

After the plans have been reviewed and are ready to be sent back, an email will be sent notifying the applicant to pick up the plans. The comments will be in the form of mark-ups on the plans received along with some written comments.

Revised Plans Received:

- After the revisions have been made to the plans, the applicant will need to return three (3) sets of revised plans along with the marked-up sets received from the previous review.
- The review of the revised plans will take 5 to 10 business days for the review.

Comments Addressed:

When all comments of the review(s) have been addressed and the plans are in conformance with the City design requirements, the civil construction plans will be ready for approval.

Plans Approved:

The Director of Public Works/City Engineer or designee will approve the plans after conferring with City staff.

Fees Invoicing Process:

- City staff will send a list of all applicable impact and service fees to the applicant that would include all relevant information. For information concerning impact fees and service fees, please contact Public Works Administrative Assistant.
- When payment has been received and the plans have been approved, the plans will be released for construction. The City requires the original approved and stamped plans to be returned along with one (1) full sized set [a total of two (2) sets] and three (3) half sized set copies of the approved plans, a USB flash drive with electronic copies of the required exhibits in "PDF" format and shape files for property boundary where applicable.

Phase 2: Construction Phase

Tree Walk:

"Tree Walk" will be scheduled prior to the Preconstruction Meeting if a Tree Plan/Heritage Plan was submitted with Preliminary Plat.

Preconstruction Meeting:

A preconstruction meeting with City staff, Franchise Utilities' and Developer's representatives will be held prior to the beginning of construction to discuss procedures and requirements specific to the construction of the project. At this time the applicant should also submit required performance bonds for public improvements (if required).

Contractor(s) Registration & Permit(s) Acquired:

The contractor, and any sub-contractors, that will perform construction on the project will all need to register their company and acquire a right-of-way construction permit(s) at the City's Public Works department.

Construction Begins:

After the Right of Way permit has been issued, the contractor may begin work. The contractor must call and notify the City's Infrastructure/Construction Inspector 48 hours prior to the beginning of construction.

Inspections:

During the course of construction, the contractor must ensure that appropriate inspections are completed by the City and should schedule inspections 48 hours in advance.

Phase 3: Acceptance

Preliminary Walk Through and Final Walkthrough:

- When the construction of the project is completed, a preliminary walkthrough with City staff and the project's contractors will be performed to determine if there are items to be completed in order to finish the project. From this walkthrough a list of all remaining items to be completed will be provided. Substantial completion for the project occurs the date the City approves accurate As-Builts.
- After all the items on the preliminary walkthrough list are completed, a final walkthrough will be performed with the City staff, Developer's, contractors' and Franchise Utilities' representatives. Any item found that requires additional work will be noted, and a list will be provided to the Developer for completion.

Project Close-out & Letter of Acceptance:

After all maintenance bonds, as-built plans, electronic documents, affidavits of bills paid and other associated documentation have been received and approved by the City staff, a letter of acceptance will be issued by the engineering department.

SECTION 7.2 AMENDING PLAT

a. Purpose

Amending plats are approved administratively by the City Manager or designee, in accordance with the procedures and requirements set forth in the Local Government Code (LGC) §212.045. The Amending Plats can be approved to:

- 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 indicated on the preceding plat;
- iv. Identify 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, onsite 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.

b. Approval Process

The approval process includes the following steps:

1. **Pre-application Conference**
As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended.
2. **Application Submittal**
A complete application by the property owner or the applicant made in a format consistent with requirements established by the City and includes all items listed on the Amending Plat Submittal Checklist and the Universal Application.
3. **Completeness Check and Initial Review**
City staff will determine whether the application is complete and will review the plat for conformance to the UDC, within 10 days of application submittal. If the application is deemed incomplete, the applicant will be notified and it will

be returned to the applicant to provide him/her an opportunity to complete the application submittal requirements and address staff comments.

4. Administrative Review and Final Action

City staff will review the resubmitted plat for conformance to the UDC. The City Manager (or designee) is responsible for final action on the Amending Plat. If the City Manager (or designee) determines the Amending 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.

5. Action Following Plat Approval

a. Typically, an Amending Plat does not require public improvements. However, if construction of public improvements is required based on prior approvals, 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. Construction of public improvements and plat recordation:

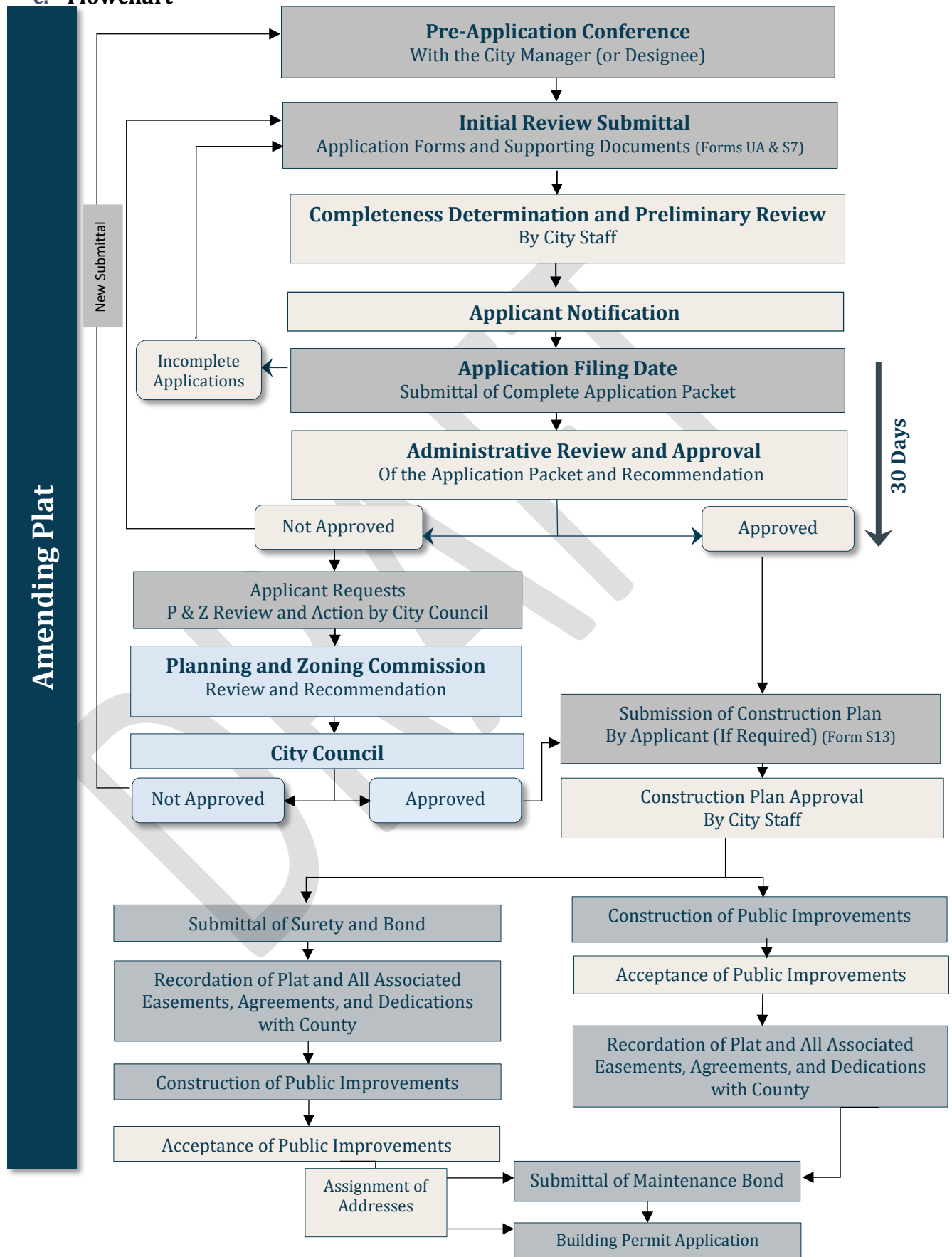
- The developer will submit a complete set of construction plans for construction of streets, alleys, sidewalks, and utilities, and other public infrastructure required to be installed for City's approval.
- Upon approval of the construction plans by the City, the developer will proceed with construction of streets, alleys, sidewalks, and utilities that the Developer is required to install.
- The City will inspect the work as it progresses.
- Developer will request acceptance of public improvements upon completion, within two years of approval, and will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in the form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.
- Upon final acceptance by the City and upon written request of the Developer, the plat shall be approved and filed for record with the appropriate County Clerk.
- The Developer will be responsible for payment of the filing fee and plat recordation and will be required to submit the approved Amending Plat with volume and page number to the City after recordation.
- The City requires the developer to file two (2) sets of full-size plans with volume and page number, a USB flash drive with electronic copies of the required exhibits in "PDF" format and shape files for property boundary where applicable.

OR

ii. Surety and assurance to allow plat recordation prior to completion of improvements:

- The Developer will file surety of assurance with the City in the form of a performance bond (equal to the estimated total cost of improvements) or an irrevocable letter of credit (equal to 125% of the estimated total cost of improvements) as provided in Chapter 12 of the UDC.
 - The Developer will request that the plat be filed for recordation.
 - The Developer will be responsible for payment of the filing fee and plat recordation and will be required to submit a copy of approved Amending Plat with volume and page number to the City after recordation.
 - The Developer will complete construction of public improvements.
 - The City will inspect the construction work as it progresses and will conduct a final inspection to assure compliance with City requirements and proceed with acceptance.
 - Upon completion of construction within two years of approval, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.
- b. If construction of public improvements is not required:
The Developer will be responsible for payment of the filing fee and plat recordation and will be required to submit a copy of approved Amending Plat with volume and page number to the City after recordation.

c. Flowchart



f. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in the UDC. If required 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.

g. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

h. Expiration

Once the plat is recorded, there is no expiration date.

i. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

j. Sign posting/Notification requirements

None required.

k. Additional Information

Fees: Refer to Fee Schedule or the current fee schedule attached to the application form and posted on the City's website at www.fairoaksranchtx.org/. Please contact City staff for additional information.

SECTION 7.3 MINOR PLAT

a. Purpose

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.

b. Approval Process

The approval process includes the following steps:

1. **Pre-application Conference**
As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended.
2. **Application Submittal**
A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Minor Plat Submittal Checklist and the Universal Application.
3. **Completeness Check and Initial Review**
City staff will determine whether the application is complete and will review the plat for conformance to the UDC, within 10 days of application submittal. If the application is deemed incomplete, applicant will be notified and it will be returned to the applicant to provide him/her an opportunity to complete the application submittal requirements and address staff comments.
4. **Administrative Review and Final Action**
City staff will review the plat for conformance to the UDC. The City Manager (or designee) is responsible for final action on the Minor Plat. If the City Manager (or designee) determines the Minor 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.
5. **Action Following Plat Approval**
Typically, a Minor Plat does not require public improvements. However, if construction of public improvements is required based on prior approvals, the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:
 - a. **If construction of public improvements is required:**
 - i. **Construction of public improvements and plat recordation:**
 - The developer will submit a complete set of construction plans for construction of streets, alleys, sidewalks, and utilities, and other public infrastructure required to be installed for City's approval.
 - Upon approval of the construction plans by the City, the developer will 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.
 - Developer will request acceptance of public improvements upon completion, within two years of approval, and will deliver to the City

a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.

- Upon final acceptance by the City, and upon written request of the Developer, the plat may be approved and filed of record with the appropriate County Clerk.
- **The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City. and will be required to submit the approved Minor Plat with volume and page number to the City after recordation** The City requires the developer to file two (2) sets of full-size plans with volume and page number, a USB flash drive with electronic copies of the required exhibits in "PDF" format and shape files for property boundary where applicable.

OR

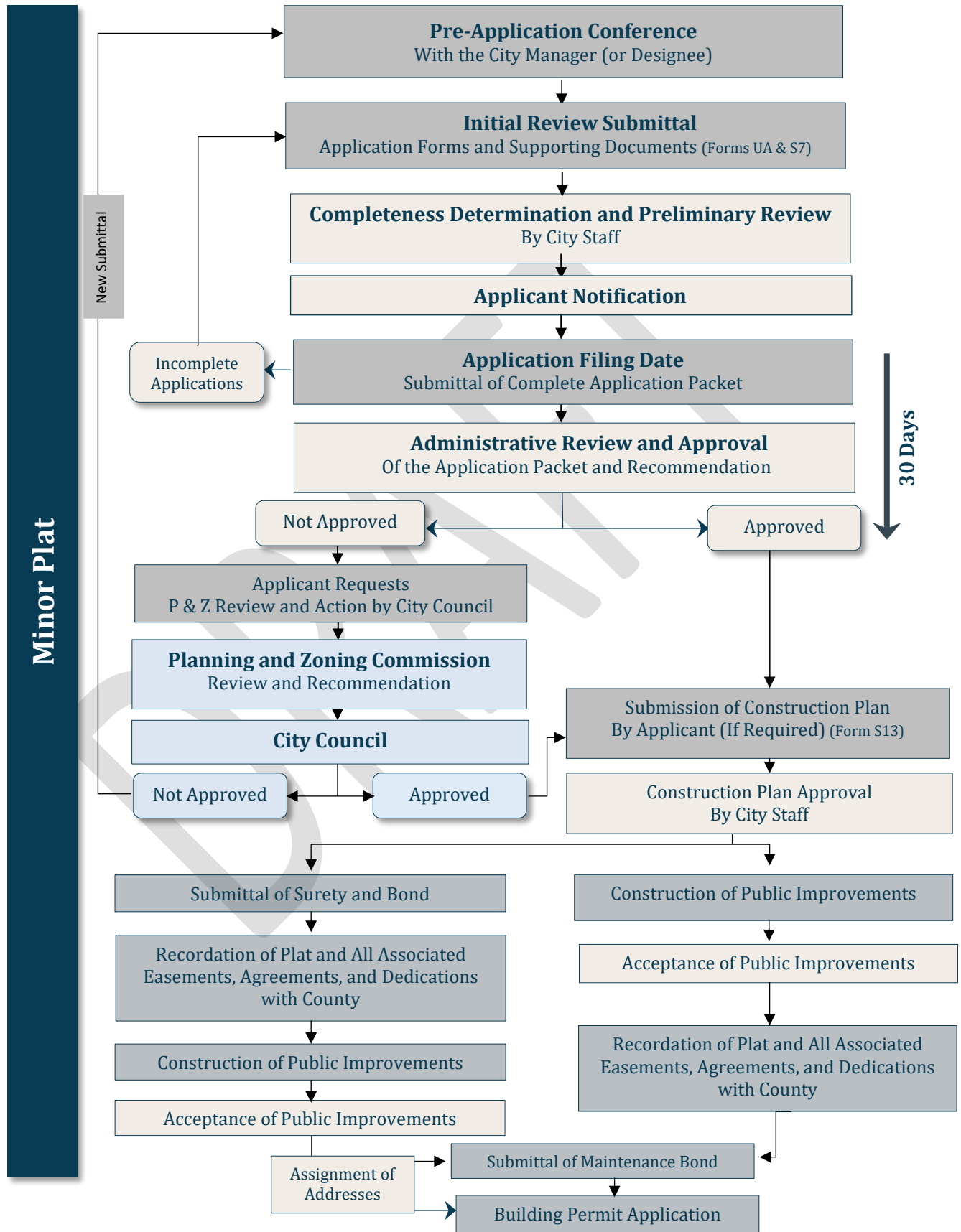
- ii. Surety and assurance to allow plat recordation prior to completion of improvements:
 - The Developer will file surety of assurance with the City in the form of a performance bond (equal to the estimated total cost of improvements) or an irrevocable letter of credit (equal to 110% of the estimated total cost of improvements) as provided in Chapter 12 of the UDC
 - The Developer will request that the plat be filed for recordation.
 - The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City. and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The Developer will complete construction of public improvements.
 - The City will inspect the construction work as it progresses and will conduct a final inspection to assure compliance with City requirements and proceed with acceptance.
 - Upon completion of construction within two years of approval, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in the form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.

- b. If construction of public improvements is not required:
The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation, The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City.

Refer to Section 8.1.(b) of this Handbook for information on the process for completion and acceptance of public improvements.

DRAFT

c. Flowchart



d. Criteria for Approval

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.

e. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

f. Expiration

Construction of public improvements is required to be completed within two years of approval. Once the plat is recorded, there is no expiration date.

g. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

h. Sign posting/Notification requirements

None required.

i. Additional Information

Fees: Refer to Fee Schedule for the current fee schedule attached to the application form and posted on the City's website at www.fairoaksranchtx.org/. Please contact City staff for additional information.

SECTION 7.4 DEVELOPMENT PLAT

a. Purpose

Development Plats are required for previously unsubdivided or unplatted land that is not being divided into separate parcels. Development of a tract of land within the City limits or the extraterritorial jurisdiction of the City requires a Development Plat of the tract be approved by the City. Development Plats are approved administratively and do not need approval by the City Council. Development plats are required to be approved prior to issuance of any building permit, utility connection permit, or other similar permit. A Development Plat is not required if a development requires a Preliminary Plat or Final Subdivision Plat approval.

b. Approval Process

The approval process includes the following steps:

1. Pre-application Conference

As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended.

2. Application Submittal

A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Development Plat Submittal Checklist and the Universal Application.

3. Completeness Check and Initial Review

City staff will determine whether the application is complete and will review the plat for conformance to the Unified Development Code (UDC), within 10 days of application submittal. If the application is deemed incomplete, the applicant will be notified and it will be returned to the applicant to provide him/her an opportunity to complete the application submittal requirements and address staff comments.

4. Administrative Review and Final Action

City staff will review the plat for conformance to the UDC. The City Manager (or designee) is responsible for final action on the Development Plat. If the City Manager (or designee) determines the Development 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.

5. Action Following Plat Approval

Typically, a Development Plat does not require public improvements. However, if construction of public improvements is required the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:

If construction of public improvements is required:

a. Construction of public improvements and plat recordation:

- The developer will submit a complete set of construction plans for construction of streets, alleys, sidewalks, and utilities, and other public infrastructure required to be installed for City's approval.

- Upon approval of the construction plans by the City, the developer will 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.
- Developer will request acceptance of public improvements upon completion, within two years of approval, and will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.
- Upon final acceptance by the City, and upon written request of the Developer, the plat may be approved and filed of record with the appropriate County Clerk.
- • The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City, and will be required to submit the approved Minor Plat with volume and page number to the City after recordation.
- The City requires the developer to file two (2) sets of full-size plans with volume and page number, a USB flash drive with electronic copies of the required exhibits in “PDF” format and shape files for property boundary where applicable.

OR

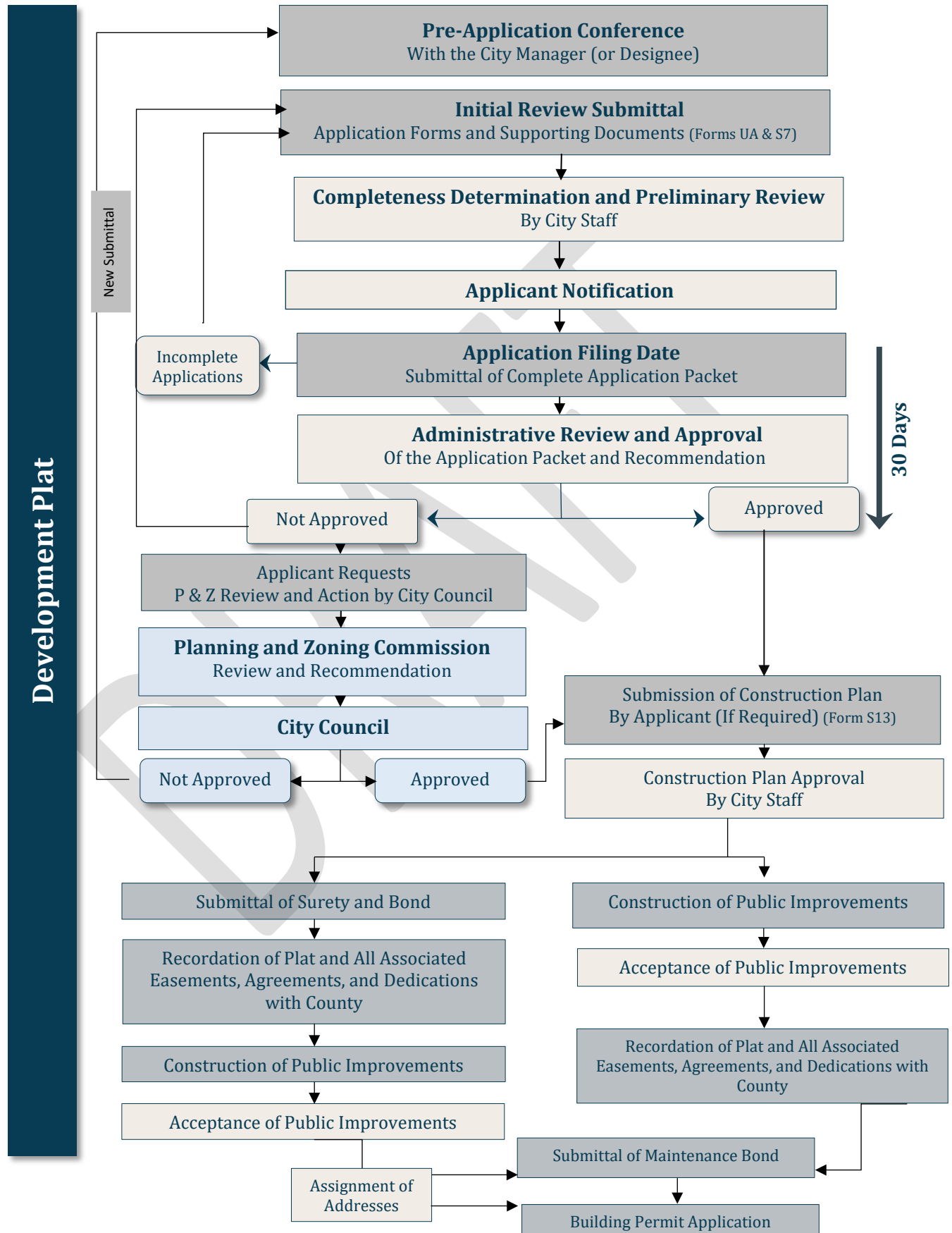
- b. Surety and assurance to allow plat recordation prior to completion of improvements:
- The Developer will file surety of assurance with the City in the form of a performance bond (equal to the estimated total cost of improvements) or an irrevocable letter of credit (equal to 1250% of the estimated total cost of improvements) as provided in Chapter 12 of the UDC.
 - The Developer will request that the plat be filed for recordation.
 - The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City. and will be required to submit the approved Minor Plat with volume and page number to the City after recordation The Developer will complete construction of public improvements.
 - The City will inspect the construction work as it progresses and will conduct a final inspection to assure compliance with City requirements and proceed with acceptance.
 - Upon completion of construction within two years of approval, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.

If construction of public improvements is not required:

The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City, and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. Refer to Section 8.1.(b) of this manual for information on the process for completion and acceptance of public improvements.

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c. Flowchart



f. Criteria for Approval

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.

g. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

h. Expiration

Construction of public improvements is required to be completed within two years of approval. Once the plat is recorded, there is no expiration date. A plat that has not posted surety, begun construction of infrastructure, or failed to provide recording information will expire in 12 months of approval.

i. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

j. Sign posting/Notification requirements

None required.

k. Additional Information

Fees: Refer to Fee Schedule or the current fee schedule attached to the application form and posted on the City's website at www.fairoaksranchtx.org/. Please contact City staff for additional information.

SECTION 7.5 REPLAT

a. Purpose:

A replat is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat. Replatting a portion of a recorded lot is not permitted. A replat does not itself constitute approval for development of the property.

Texas Local Government code states – A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- is signed and acknowledged by only the owners of the property being replatted;
- is approved by the municipal authority responsible for approving plats; and
- does not attempt to amend or remove any covenants or restrictions.

In addition to a public hearing, public notice is required for a replat if:

1. During the preceding five (5) years, any of the area to be replatted was zoned for 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.

b. Approval Process

The approval process includes the following steps:

1. Pre-application Conference
As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended.
2. Application Submittal
A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Replat Plat Submittal Checklist and the Universal Application.
3. Completeness Check and Initial Review
City staff will determine whether the application is complete, and will review the plat for conformance to the Unified Development Code (UDC), within 10 days of application submittal. If the application is deemed incomplete, the applicant will be notified and it will be returned to the applicant to provide him/her an opportunity to complete the application submittal requirements.
4. Administrative Review and Recommendation
City staff will review the plat for conformance to the UDC make a recommendation.

5. Planning and Zoning Commission Action

Planning and Zoning Commission will conduct a **Public Hearing**, review the plat and make a recommendation to the City Council. (Public notice required for residential plats only, as described above)

Notification of Public Hearing

Applicant Notice: Staff will notify the applicant of the date of the public hearing.

Mailed Notice: Staff will send a written notice of the public hearing to all property owners within 200 feet of the subject property at least 10 days prior to the date of the joint public hearing. The notification will include information regarding the location of the property and the requested zoning action.

Published Notice: A legal notice will be sent to the local newspaper for publication by staff.

6. City Council Action

Following the recommendation of the Planning and Zoning Commission, the City Council will conduct a **Public Hearing**, review the plat and will take final action.

7. Action Following Plat Approval

After approval of a Replat Plat, the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:

a. If construction of public improvements is required:

i. Construction of public improvements and plat recordation:

- The developer will submit a complete set of construction plans for construction of streets, alleys, sidewalks, and utilities, and other public infrastructure required to be installed for City's approval.
- Upon approval of the construction plans by the City, the developer will 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.
- Developer will request acceptance of public improvements upon completion, within two years of approval, and will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.
- Upon final acceptance by the City, and upon written request of the Developer, the plat may be approved and filed of record with the appropriate County Clerk.
- The Developer will be responsible for payment of the filing fee and plat recordation and will be required to submit the approved Replat with volume and page number to the City after recordation.
- The City requires the developer to file two (2) sets of full-size plans with volume and page number, a USB flash drive with electronic copies of the required exhibits in "PDF" format and shape files for property boundary where applicable.

OR

ii. Surety and assurance to allow plat recordation prior to completion of improvements require:

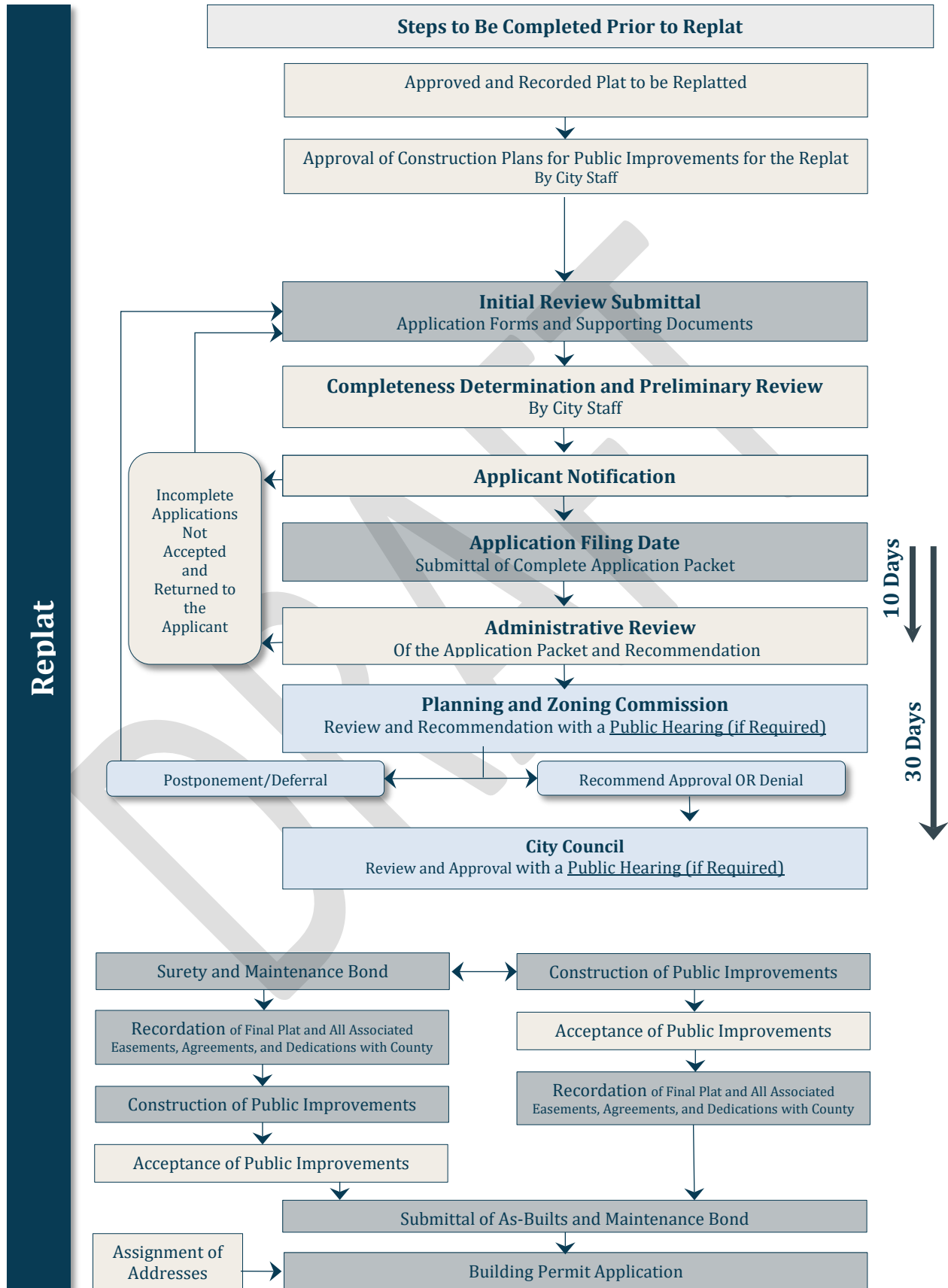
- The Developer will file surety of assurance with the City in the form of a performance bond (equal to the estimated total cost of improvements)
- or an irrevocable letter of credit (equal to 125% of the estimated total cost of improvements) as provided in Chapter 12 of the UDC
- The Developer will request that the plat be filed for recordation.
- The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City. and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The Developer will complete construction of public improvements.
- The City will inspect the construction work as it progresses and will conduct a final inspection to assure compliance with City requirements and proceed with acceptance.
- Upon completion of construction within two years of approval, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.

b. If construction of public improvements is not required:

The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City. and will be required to submit the approved Minor Plat with volume and page number to the City after recordation

Refer to Section 8.1.(b) of this Handbook for information on the process for completion and acceptance of public improvements.

c. Flowchart



d. Criteria for Approval

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.

e. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

f. Expiration

Construction of public improvements is required to be completed within two (2) years of approval. Once the plat is recorded, there is no expiration date.

g. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

h. Additional Information

Fees: Refer to Fee Schedule or the current fee schedule attached to the application form and posted on the City's website at www.fairoaksranchtx.org/. Please contact City staff for additional information.

Variances - If the proposed replat requires a variance and is protested in writing by the owners of at least 20% of the area within 200 feet of the area designated by replat (but within the original subdivision), the proposed replat must receive the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission or City Council, or both in order to be approved. In computing the percentage of land area, the streets and alleys will be included. Compliance with this requirement is not required for approval of a replat 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.

SECTION 7.6 PRELIMINARY PLAT

a. Purpose:

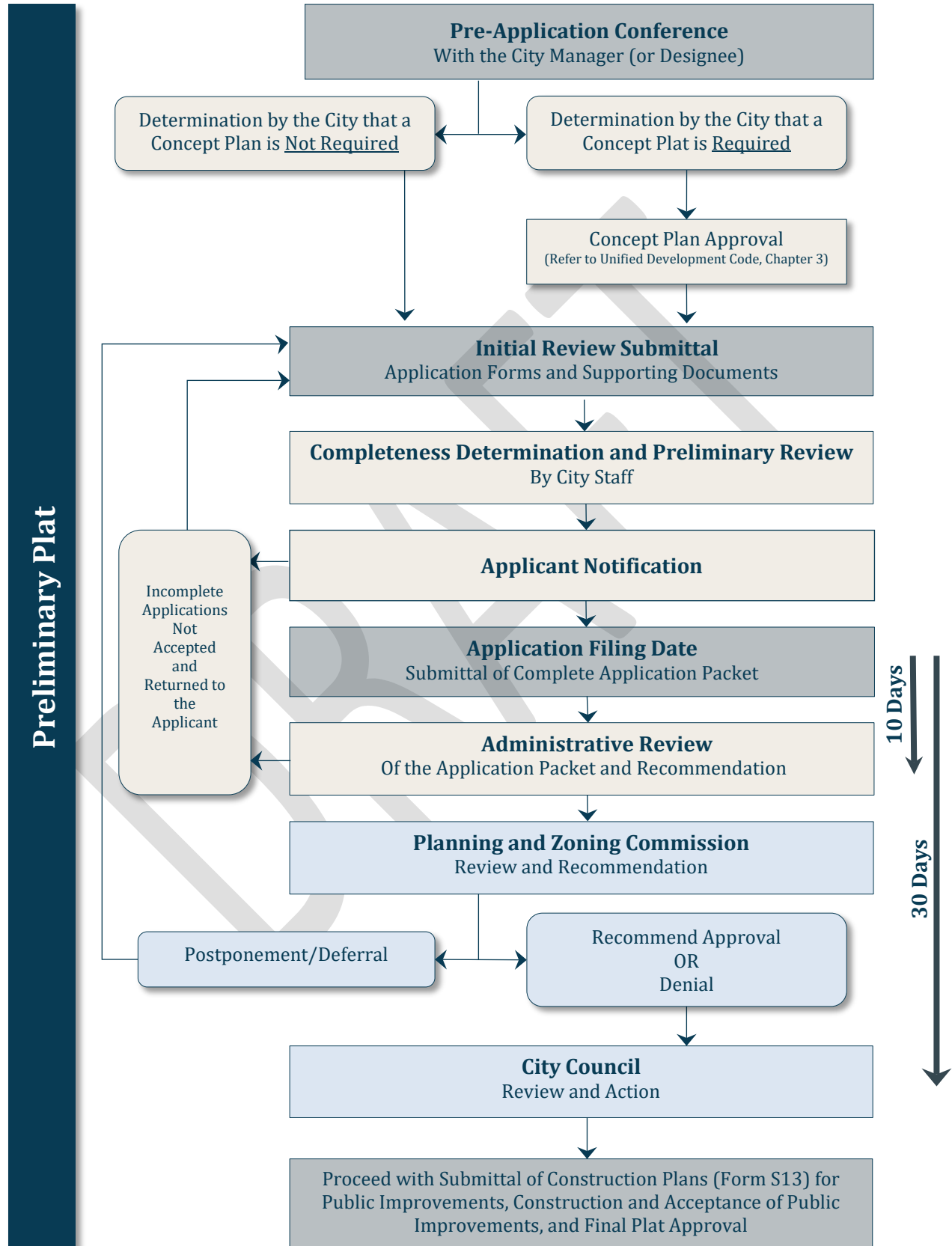
Preliminary Plats are required for land being divided into separate parcels, plats with five or more lots, and any plat that requires a dedication of land to the City. Preliminary Plat approval is required for land to be subdivided, if that land is not eligible for Administrative Plat Review process (Minor, Amending, or Development Plat).

b. Approval Process

The approval process includes the following steps:

1. **Pre-application Conference**
As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended. City staff will determine during the Pre-Application Conference for any plat application whether a Concept Plan is required.
2. **Application Submittal**
A complete application by the property owner or the applicant will be made in a format consistent with requirements established by the City with all items listed on the Preliminary Plat Submittal Checklist and the Universal Application. If required, a Concept Plan has to be approved prior to submittal of the Preliminary Plat.
3. **Completeness Check and Initial Review**
City staff will determine whether the application is complete and will review the plat for conformance to the UDC, within 10 days of application submittal. If the application is deemed incomplete, the applicant will be notified and the application will be returned to the applicant to provide him/her an opportunity to complete the application submittal requirements and address staff comments.
4. **Administrative Review and Recommendation**
City staff will review the plat for conformance to the UDC and will make a recommendation.
5. **Planning and Zoning Commission Action**
Planning and Zoning Commission will review the plat and make a recommendation to the City Council.
6. **City Council Action**
The City Council will review the plat and will take final action.
7. **Written Notification to the Applicant**
Within ten (10) days after the City Council makes a final decision, a copy of the written decision will be sent to the applicant, and a copy will be filed at the City, where it will be available for public inspection during regular office hours.
8. **Action Following Plat Approval**
After approval of the Preliminary Plat, the Developer will proceed to submit engineering plans for construction of public improvements and final plat approval.

c. Flowchart



d. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in the UDC. If required, a Concept Plan must be approved prior to submittal of Preliminary Plat. 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 of the UDC.

e. Conditions for Approval

All conditions must be met prior to the approval of Preliminary Plat or as required by the Council's approval.

f. Expiration

Construction of public improvements is required to be completed within two years of approval of the Preliminary Plat.

g. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

h. Posting of Notification Signs on Property Under Consideration for a Preliminary Plat

None

i. Additional Information

Fees: Refer to Fee Schedule or the current fee schedule attached to the application form and posted on the City's website at www.fairoaksranchtx.org/. Please contact City staff for additional information.

SECTION 7.7 FINAL PLAT

a. Purpose:

A Final Plat is a subdivision map or drawing intended for recordation in the plat records of the county in which the subdivision is located. Minor Plats and Replats are also considered Final Plats as they are recorded after approval.

A Final Plat submittal requires an approved Preliminary Plat and submittal of construction plans for streets and infrastructure in accordance with the UDC. Final Plat review is required to ensure that a final recorded plat is based on final engineering plans 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. Approval Process

The approval process includes the following steps:

1. **Pre-application Conference**
As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended.
2. **Application Submittal**
A complete application by the property owner or the applicant will be made in a format consistent with requirements established by the City with all items listed on the Final Plat Submittal Checklist and the Universal Application. A copy of construction plans for public improvements must be submitted with the Final Plat submittal.
3. **Completeness Check and Initial Review**
City staff will determine whether the application is complete and will review the plat for conformance to the Unified Development Code (UDC), within 10 days of application submittal. If the application is deemed incomplete, the applicant will be notified and the application will be returned to the applicant to provide him/her an opportunity to complete the application submittal requirements.
4. **Administrative Review and Recommendation**
City staff will review the plat for conformance to the UDC and make a recommendation.
5. **Approval of Construction Plans**
City staff will review and approve construction plans for public improvements that are proposed as part of the subdivision.
6. **Planning and Zoning Commission Action**
Planning and Zoning Commission will review the plat and make a recommendation to the City Council.
7. **City Council Action**
The City Council will review the plat and will take final action.
8. **Written Notification to the Applicant**
Within ten (10) days after the City Council makes a final decision, a copy of the written decision will be sent to the applicant, and a copy will be filed at the City,

where it will be available for public review.

9. Action Following Final Plat Approval

After approval of a Final Plat, the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:

a. Construction of public improvements and plat recordation:

- The developer will proceed with construction of public improvements.
- The City will inspect the work as it progresses.
- Developer will request acceptance of public improvements upon completion, within two years of approval, and will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.
- Upon final acceptance by the City, and upon written request of the Developer, the plat may be approved and filed of record with the appropriate County Clerk.
 - The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Final Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City. and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The Final Plat needs to be recorded within 60 days. OR

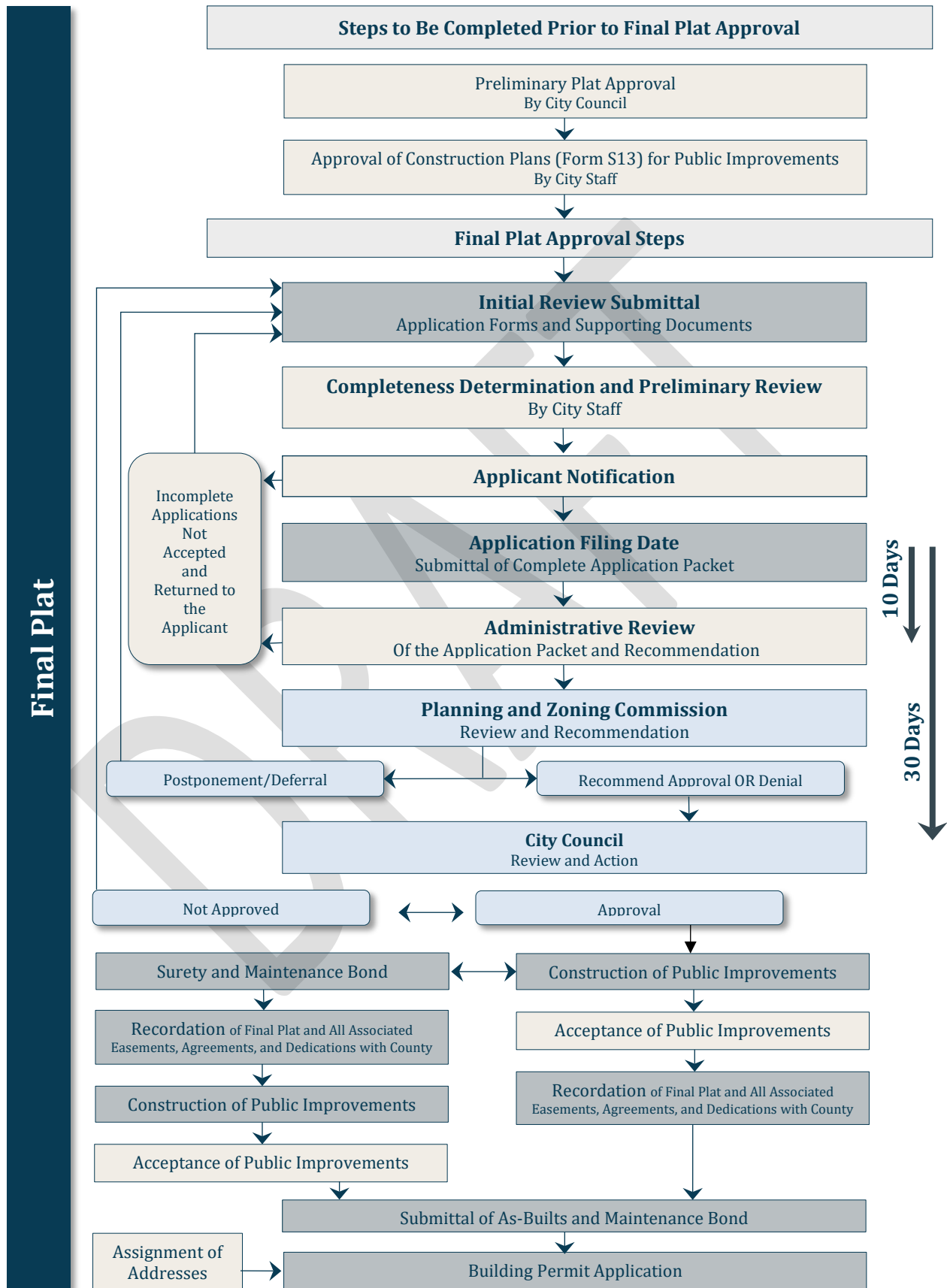
b. Surety and assurance to allow plat recordation prior to completion of improvements:

- The Developer will file surety of assurance with the City in the form of a performance bond (equal to the estimated total cost of improvements) or an irrevocable letter of credit (equal to 125% of the estimated total cost of improvements) as provided in Chapter 12 of the UDC
- The Developer will request that the plat be filed for recordation.
- The Developer will be responsible for payment of the filing fee and plat recordation with Bexar and Kendall counties and will be required to submit the approved Final Plat with volume and page number to the City after recordation. The City will record the plat with Comal County and the developer is responsible to make the necessary payment to the City. and will be required to submit the approved Minor Plat with volume and page number to the City after recordation. The Final Plat needs to be recorded within 60 days. The Developer will complete construction of public improvements.
- The City will inspect the construction work as it progresses and will conduct a final inspection to assure compliance with City requirements and proceed with acceptance.
- Upon completion of construction within two years of approval, the

Developer will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in Chapter 12 of the UDC.

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c. Flowchart



d. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in the UDC. Approval of construction drawings for public improvements is required prior to approval of the Final Plat. 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 of the UDC.

e. Conditions for Approval

All conditions must be met prior to the approval of final plat or as required by the Council's approval.

f. Expiration

A Final Plat that has been recorded has no expiration date. A Final Plat approved by the City Council that has not posted surety, began construction of public infrastructure, or failed to provide required recording information expires within twelve (12) months of approval.

g. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

h. Posting of Notification Signs on Property Under Consideration for a Preliminary Plat

None

i. Additional Information

Fees: Refer to Fee Schedule or the current fee schedule attached to the application form and posted on the City's website at www.fairoaksranchtx.org/. Please contact City staff for additional information.

Chapter 8

COMMERCIAL BUILDING PERMITS

SECTION 8.1 GENERAL INFORMATION

a. Introduction

The City of Fair Oaks Ranch has established minimum building and development standards to safeguard life, health, safety, property values, and public welfare. All buildings and certain other construction projects are required to be permitted and inspected by the Building Department.

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

The Building Department ensures compliance with adopted codes and ordinances of the City of Fair Oaks Ranch. The Building Department processes building permits, performs inspections, and registers contractors.

Permits are required so that the city staff can monitor growth and construction. Permits also allow the City to ensure that commercial establishments present a proper appearance and meet minimum standards to upgrade the appeal of the City of Fair Oaks Ranch.

Adopted IBC and NEC can be determined by contacting the City of Fair Oaks Ranch

b. Approval Process

Permits must be issued and displayed at the construction site BEFORE any work is started.

The permit issuance process typically requires 15-17 business days if the application and attachments are complete. Refer to the Applications and Permits Processing Time Chart in of this Handbook. Commercial permits issued for the City of Fair Oaks Ranch are issued on a first in, first out basis.

1. Initiation

The permit process may be initiated by a property owner or his / her authorized agent.

2. Pre-Application Conference

As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended.

3. Application Submittal

A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed on the applicable permit Submittal Checklist and the Universal Application. (Refer to list of specific applications to determine the type of permit required and related submittal requirements). An Engineer or architect's seal and approval on plans may be required as per the requirements of the Texas Board of Professional Engineers, and Texas Board of Architectural Examiners, and city ordinances.

Other approvals are to be directly submitted to applicable entities (Texas Department of Transportation (TXDOT), drainage districts, County Flood Control, utility companies etc.)

4. Completeness Determination

City staff will determine whether the application is complete and will notify the applicant regarding any missing information. If the application and/or attachments are not complete, the responsible party will be notified within fifteen (15) business days as to what is needed, and the application will be put aside until the package is complete.

5. Staff Review

Appropriate departments will review the permit application considering any applicable ordinances, codes, and criteria for approval. Staff comments will be provided to the applicant.

It is the owner's responsibility to comply with the applicable deed restrictions of their property.

If any easements are on the property, they need to be shown on the drawings accompanying the application form and all stipulations of the easements need to be met.

All ordinances adopted by City to augment the adopted Building Codes will be applicable.

6. Approval and Notification

Upon review of completed/resubmitted application and approval, staff (Building Codes Administrative Assistant) will call the responsible party and inform them that the permit is ready for pick up and the total cost.

7. Payment of all fees

Applicant will pay all permit fees, utility fees, franchise fees, impact fees, etc. prior to commencing any work.

c. Construction Phase

1. Tree Walk

A "Tree Walk" is scheduled prior to the Preconstruction Meeting if a Tree Plan/Heritage Plan was submitted with development permit

2. Preconstruction Meeting

- A preconstruction meeting with City Permits staff, Franchise Utilities' and Developer's representatives will be held prior to the beginning of construction to discuss procedures and requirements specific to the construction of the project.
- Contractor(s) Registration & Permit(s) Acquired: The contractor will need to register their company and acquire a right-of-way construction permit(s) from the City

3. Construction Commences

After the Right of Way permit has been issued, the contractor may begin work. The contractor must call and notify the City's Construction Inspector 48 hours prior to the beginning of construction. During the course of installation and construction of the required improvements, the City Inspector 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.

d. Acceptance

1. Preliminary Walk Through and Final Walk Through

- When the construction of the project is completed, a preliminary walk through with the city's Construction Inspector and the project's contractors will be performed to determine any item to be completed to finish the project. From this walk through a list of all remaining items to be completed will be provided.
- After all the items on the preliminary walk-through list is completed, a final walk through will be performed as required with City Inspector, City staff, Developer's, contractors' and Franchise Utilities' representatives. Any item found that need additional work will be noted, and a list will be provided to the Developer for completion.

2. Record Drawings / As-Built Drawings

As per the UDC, 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 plans and As-Built record drawing plans for

each improvement in the following formats:

- i. File format: AutoCAD DWG, SHP- Layers to be determined by the City Engineer
- ii. Coordinate System: NAD 1983 State Plane Texas South Central FIPS 4204 Feet REF FRAME: NAD_83(2011) (EPOCH:2010.0000)
- iii. Vertical NAVD88 (Computed using GEOID12A)
- iv. Accuracy: Appurtenances will be located with a positional tolerance of 1:10,000+0.10'
- v. A letter of certification by a registered Professional Engineer attesting to the As-Built digital files accuracy

3. Testing

All testing will be in accordance with the City of Fair Oaks Ranch Construction Standard Specifications for Water and Sanitary Sewer unless otherwise specified by the City. 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.

4. Project Close-out & Letter of Acceptance

After all as-built plans, electronic documents, and other associated documentation have been received and approved by the Building Official, a letter of acceptance will be issued.

5. Issuance of Certificates of Occupancy (CO)

In most cases 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. 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.

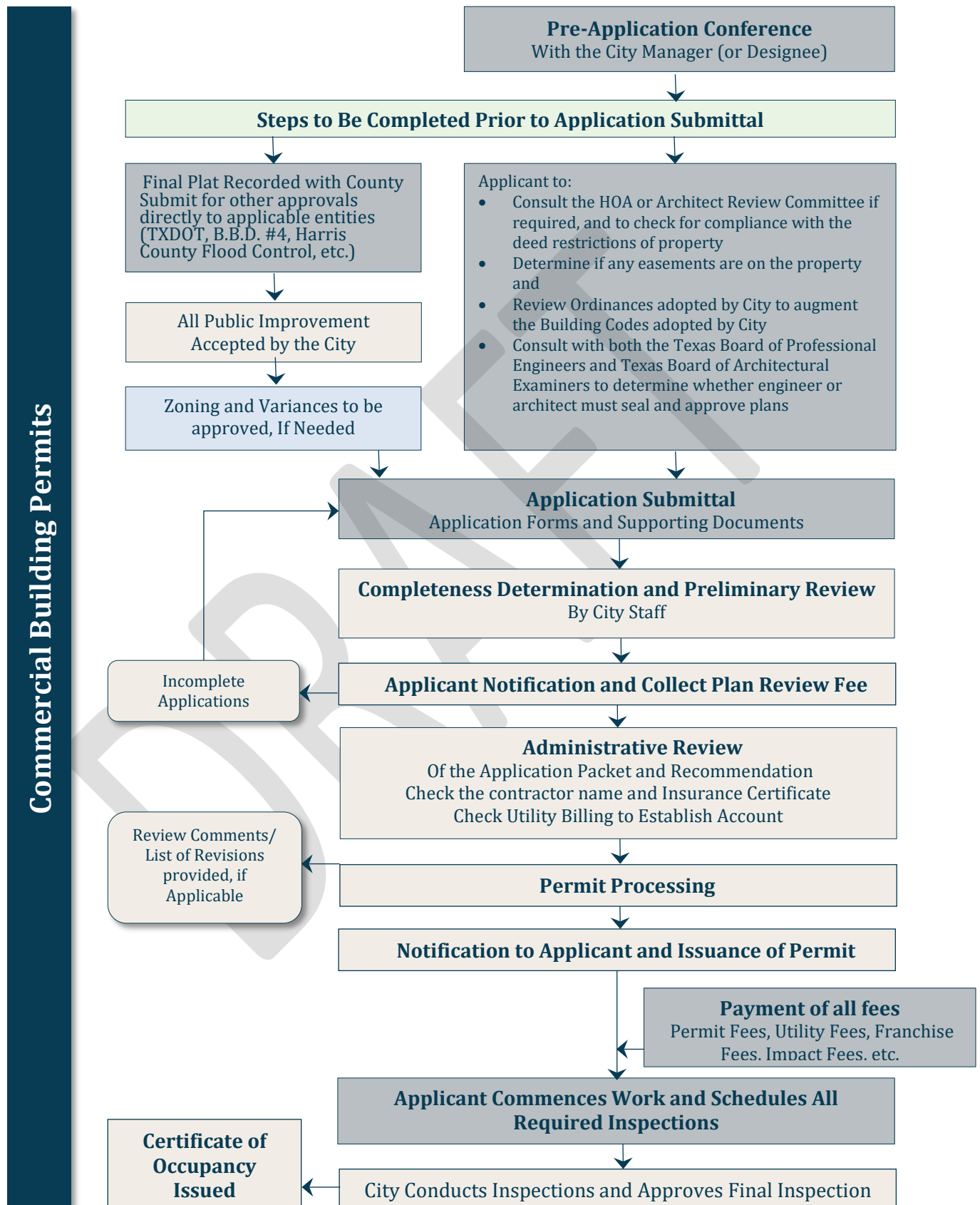
- vi. Certified letter stating that the grading has been completed as per the approved plat and plans by a land surveyor/engineer.

6. 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, the Building Code or other construction codes.

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e. Process Flowchart



f. Criteria for Approval

The Building Official will determine whether to approve a Building Permit based on the following criteria:

- i. Prior approval applications - 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. Building Codes - 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.

g. Conditions for Approval

Conditions of approval may be imposed as deemed appropriate by staff or as required by other approvals for the property.

h. Expiration and Extension

Expiration

A permit for commercial development is valid for 365 days from the date of issuance and is considered expired if:

- a. Work has not commenced within 365 days of issuance of the permit, or
- b. If work is not completed within 365 days of commencement of work.

For all other commercial permits that are not new construction, a permit is valid for 270 days from the date of issuance and is considered expired if:

- a. Work has not commenced within 270 days of issuance of the permit, or
- b. If work is abandonment or suspended within 270 days of commencement of work.

Recommendation of Abandoned or Suspension of Work

Prior to one year of suspension or abandonment: Extension will be granted before recommencement of any work if:

1. A written request at 50% of original permit fee is submitted.
2. A new permit is obtained.
3. No changes have been made or will be made in the original plans and specifications for such work, and
4. The suspension or abandonment has not exceeded one (1) year.

After one year of suspension or abandonment: Work that has been abandoned or suspended for more than a year can recommence if:

1. A full fee for a new permit applicable at that time is submitted.
2. The permit complies with all codes and ordinances applicable at that time.

Extension

A permittee who is unable to complete the work within the time required by this section for good and satisfactory reasons and due to uncontrollable circumstances may apply for an extension of the time. The building official may extend the time for action for a period not exceeding 180 days. No permit will be extended more than once.

i. Submittal Checklist

Please see Universal Application and Submittal Checklist for applicable forms and checklists.

SECTION 8.2 ADDITIONAL REQUIREMENTS

- a. Fees:** Refer to Fees: Refer to or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.
- b. Impact Fees:** Refer to City Ordinances
- c. Subcontractor Requirements**
 1. Electrical Contractors
 - Certificate of Insurance of \$1,000,000 insurance coverage
 - \$750,000 General Liability Insurance
 - \$250,000 per occurrence for bodily injury and property damage
 - Worker's Compensation in accordance with Texas state law.
 - State of Texas Master License
 2. Mechanical Contractors
 - Certificate of Insurance - \$300,000 General Liability Insurance naming the City of Fair Oaks Ranch as Certificate Holder.
 - State of Texas Master License
 3. Plumbing Contractors
 - Certificate of Insurance - \$300,000 General Liability Insurance naming the City of Fair Oaks Ranch as Certificate Holder.
 - State of Texas Master License
 4. Irrigation Contractors
 - Certificate of Insurance - \$300,000 General Liability Insurance naming the City of Fair Oaks Ranch as Certificate Holder.
 - State of Texas Irrigators License - \$300,000 General Liability Insurance naming the City of Fair Oaks Ranch as Certificate Holder

d. Requirements to Permit a Commercial Build Out or Remodel

General Contractor Requirements

Contractors must provide the City with a Certificate of Insurance with a minimum of \$300,000 General Liability Insurance. The Certificate must list the City of Fair Oaks Ranch as the certificate holder.

e. Please refer to Submittal Checklist for applicable forms and checklists for information on:

- Inspections
- Construction Requirements
- Construction Site Requirements
- Sign Posting/Notification Requirements

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Chapter 9

RESIDENTIAL BUILDING PERMITS

SECTION 9.1 GENERAL INFORMATION

a. Introduction

All types of residential construction, including new homes, residential additions, remodeling, and residential detached buildings require approval by the City of Fair Oaks Ranch. An application for a Building Permit is required prior to placement, construction, alteration, or occupancy of a building or structure for property located within the city limits, or for property located in the City's ETJ that is part of a development agreement.

The City of Fair Oaks Ranch has established minimum standards to safeguard life, health, safety, property values, and public welfare. All buildings and certain other construction projects are permitted and inspected by the Building Department.

Permits are easily obtained by submitting the required information to the Building Department, which is the only stop required for most permits. Requirements and guidelines for the process are explained in the following sections.

Adopted IBC and NEC can be determined by contacting the City of Fair Oaks Ranch.

Permits are required for all detached buildings that are greater than 100 square feet. If the detached building is less than 100 square feet but has electricity and/or plumbing a permit is required.

b. Approval Process

The permit issuance process typically requires 7-10 business days, if the application and attachments are complete. Refer to the Applications and Permits Processing Time Chart Residential permits issued for the City of Fair Oaks Ranch are issued on a first in, first out basis.

1. Initiation

The permit process may be initiated by a property owner or his / her authorized agent.

2. Pre-Application Conference

As described in Chapter 2 of this document, a Pre-Application Conference is strongly recommended, especially for new home projects that are being done by a contractor that has not done a project in the city before. This meeting can be held before or after permit application submittal.

3. Application Submittal

A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed on the applicable permit Submittal Checklist and the Universal Application. (Refer to list of specific applications to determine the type of permit required and related submittal requirements). Engineer or architect's seal and approval on plans may be required as per the requirement of the Texas Board of Professional Engineers, Texas Board of Architectural Examiners, and city ordinances.

Submit for other permit approvals as needed, directly to applicable entities (Texas Department of Transportation (TXDOT), drainage districts, County Flood Control, utility companies etc.)

4. Completeness Determination

City staff will determine whether the application is complete and notify the applicant regarding any missing information. If the application and/or attachments are not complete, the responsible party will be notified within three (3) business days as to what is needed and the application will be put aside until the package is complete.

5. Staff Review

Appropriate departments will review the permit application considering any applicable ordinances, codes, and criteria for approval. Staff comments will be provided to the applicant.

The owner is responsible to consult the HOA or Architect Review Committee if needed. It is the owner's responsibility to comply with the deed restrictions of their property.

If any easements are on the property, they need to be shown on the drawings accompanying the application form and all stipulations of the easements need to be met.

All ordinances adopted by City to augment the adopted Building Codes will be applicable.

6. Approval and Notification

Upon review of completed/resubmitted application and approval, building code staff will notify the responsible party and inform them that the permit is ready for pick up and the total cost.

Residential Work Not Requiring A Permit

Building

Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
Prefabricated swimming pools that are less than 24 inches deep.
Swings and other playground equipment.
Roofing (if replacing with same material).
Replacing exterior siding or other materials with materials of the same basic design and type.
Guttering.
Window screens, window guards and bars.
Replacing Storm doors and windows - unless changing size.
Awnings.
Alarm systems.
Detached buildings of 100 square feet or less unless they have electricity or plumbing.
Nonstructural concrete or masonry flat-work such as patios, sidewalks, driveway replacements.
Landscaping, including decorative rock or brick work not exceeding 18" in height. However, all construction in easements, rights-of-way and/or setbacks requires approval from the responsible restrictions committee as applicable.

Electrical

Replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles.
Installation, alteration, or repair of electrical equipment for the operation of signals or for the transmission of intelligence by wire by a communication agency.
Installation, alteration or repair of electrical equipment installed by or for an electrical supply agency for the use of such agency in the generation transmission and distribution of electricity.

Plumbing

Stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained.
The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and re-installation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

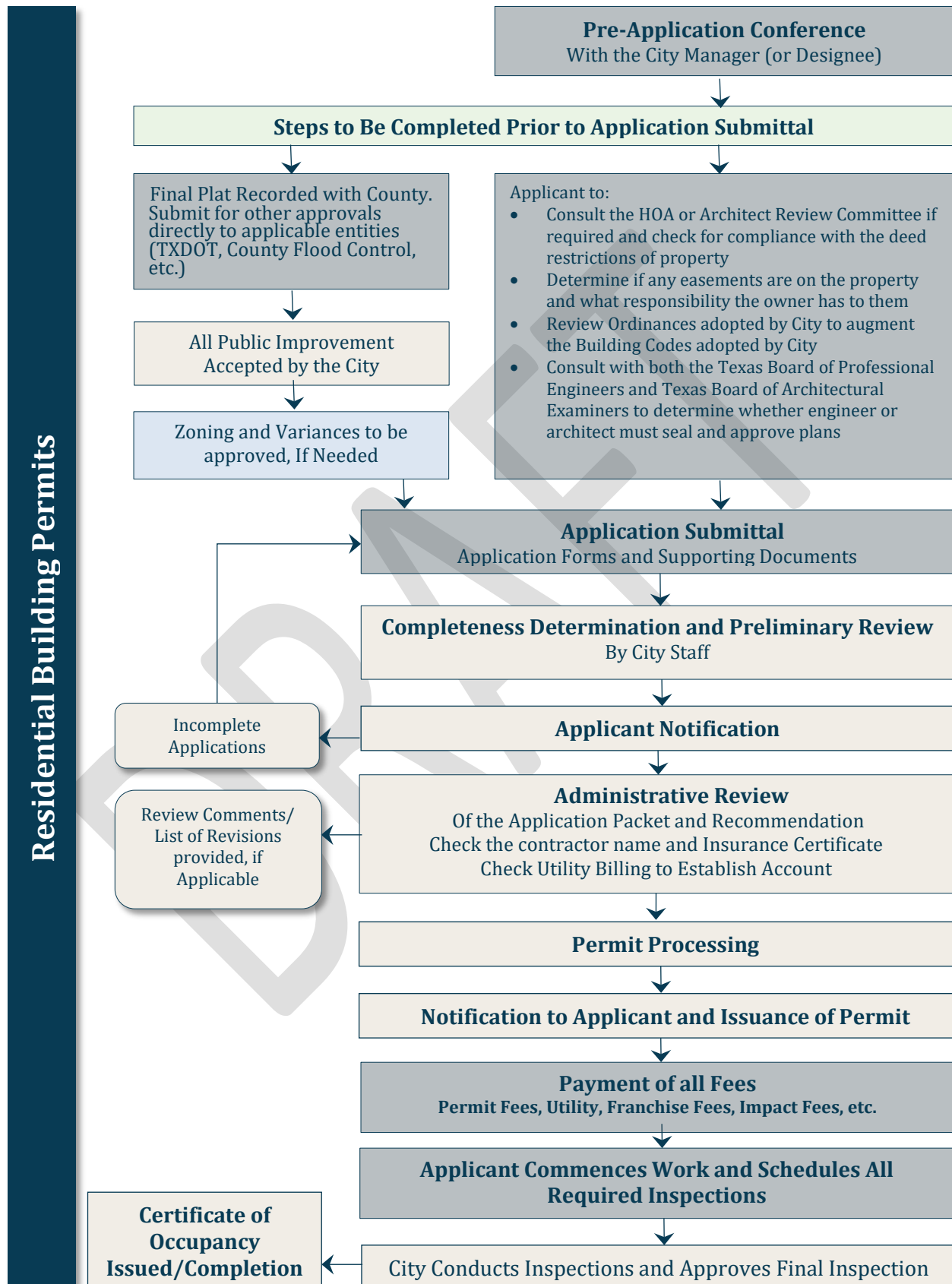
Gas

Portable heating, cooking, or clothes drying appliances.
Replacement of any minor part that does not alter the approval of equipment or make such equipment unsafe.
Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical

Portable heating appliances.
Portable ventilation appliances.
Portable cooling units.
Steam, hot- or chilled- water piping within any heating or cooling equipment regulated by the currently adopted International Residential Code.
Replacement of any minor part that does not alter the approval of equipment or make such equipment unsafe.
Portable evaporative coolers.
Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not connected to a power grid.

c. Process Flowchart



d. Criteria for Approval

The Building Official will determine whether to approve a Building Permit based on the following criteria:

- i. Prior approval applications - 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. Building Codes - 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.

e. Conditions for Approval

Conditions of approval may be imposed as deemed appropriate by staff or as required by other approvals for the property.

f. Expiration and Extension

New Home	Additions/Remodel	Detached Buildings
Valid for twelve (12) months from date of issue. A sixty (60) day extension may be granted upon written request at 50% of original permit fee.	Valid for twelve (9) months from date of issue. A sixty (60) day extension may be granted upon written request at 50% of original permit fee.	Valid for twelve (9) months from date of issue. A sixty (60) day extension may be granted upon written request at 50% of original permit fee.

g. Submittal checklist

New Home	Additions/Remodel	Detached Buildings
1. A completed Fair Oaks Ranch Universal Application with attachments	1. A completed Fair Oaks Ranch Universal Application with attachments	1. A completed Fair Oaks Ranch Universal Application with attachments
2. A completed Contractor Registration Form for each contractor	2. A completed Contractor Registration Form – (if not registered with the city).	2. A completed Contractor Registration Form – (if not registered with the city)
3. Owner's Letter of Approval to Build	3. Plot Plan (easements & flood plain, if applicable). a. One set of plans required if in Kendall County b. Two sets of plans required in Bexar County or Comal County	3. Plot Plan indicating where the building is located on the property a. One copy if in Kendall County b. Two copy if in Bexar County or Comal County
4. Plot Plan (easements & flood plain, if applicable) a. One set of plans required if in Kendall County b. Two sets of plans required if in Bexar County or Comal County	4. Engineered Foundation Plans – (if applicable). a. One set of plans required if in Kendall County b. Two sets of plans required if in Bexar County or Comal County	4. Floor plan including electrical and plumbing a. 1 Set of Plans if in Kendall County b. 2 Sets of Plans if in Bexar County or Comal County

New Home	Additions/Remodel	Detached Buildings
5. Electrical Diagram (ID Wire/Breaker size/Wire Type) – (Example Attached)	5. Floor plan to include Plumbing fixtures, Electrical receptacles, switches, lighting and panel location. a. One set of plans required if in Kendall County b. Two sets of plans required if in Bexar County or Comal County	5. Foundation Plans – (if applicable)
6. Engineered Foundation Plans a. One set of plans required if in Kendall County b. Two sets of plans required if in Bexar County or Comal County	6. Outside Elevations – (if applicable). a. One set of plans required if in Kendall County b. Two sets of plans required if in Bexar County or Comal County	
7. Floor Plans a. One set of plans required if in Kendall County b. Two sets of plans required if in Bexar County or Comal County		
8. Outside Elevations a. One set of plans required if in Kendall County b. Two sets of plans required if in Bexar County or Comal County		
9. Energy Worksheet (Provided by Contractor/Designer)		

SECTION 9.2 DOCUMENTS REQUIRED

Listed below are the documents that are required along with a brief explanation of each. The explanations will identify what items are needed or how to complete the documents.

1. APPLICATION

Complete all applicable fields on application. Contractors are required to be registered with the City of Fair Oaks Ranch. If a contractor is not registered with the City they must do so before they can do any work in the City. Contractor Registration forms are available on the City website, or at the City Municipal Building. Application must be signed and dated.

2. CONTRACTOR REGISTRATION

The general contractor, electrician, plumber, and mechanical contractor must be registered to do work in the City. The registration is valid for one (1) year from the time of issuance. The registration fee is \$75.00 however, plumbing, electrical, and mechanical contractors are exempt from paying the fee. Any contractor licensed by the State of Texas, shall be deemed qualified to perform the same services in the City of Fair Oaks Ranch upon presentation to the Building Official a copy of their current license, where applicable, and a completed application.

3. PLOT PLAN

Must show all building setback lines, utility easements, water, sewer, gas & electric lines and the location of the structure on the property. If hard copies of plans are being submitted for Bexar County or Comal County, 2 sets of plans are required and if in Kendall County only 1 set of plans is required. The city does accept electronic copies of all documents.

4. ENGINEERED FOUNDATION PLANS

Must be designed, prepared, signed, and sealed by a Professional Engineer registered to do business in the State of Texas. The foundation beams width & depth and slab height must also conform to City Ordinance requirements. In addition, the finished height of the foundation must be 15" min. above the existing grade after the area has been scraped and all vegetation removed. If hard copies of plans are being submitted for Bexar County or Comal County, 2 sets of plans are required and if in Kendall County only 1 set of plans is required. The city does accept electronic copies of all documents.

5. FLOOR PLANS

Must contain cabinet locations, plumbing fixtures, electrical receptacles, switches and fixtures, windows, and doors as a minimum. If hard copies of plans are being submitted for Bexar County or Comal County, 2 sets of plans are required and if in Kendall County only 1 set of plans is required. The city does accept electronic copies of all documents.

6. OUTSIDE ELEVATIONS

A scaled drawing of all exterior views of the building. If hard copies of plans are being submitted for Bexar County or Comal County, 2 sets of plans are required. If in Kendall County only 1 set of plans is required. The city does accept electronic copies of all

7. ENERGY PERFORMANCE SHEET

Must be submitted with plans, you may use the prescriptive or the descriptive method (both are spelled out in the 2018 International Energy Conservation Code).

SECTION 9.3 SIGN ON PROPERTY

One For Sale Sign is permitted per street frontage; and
One temporary sign identifying the persons or companies involved in the development of the site may be placed on the lot. The maximum size of the display area of any such sign shall be six (6) square feet.

The signs must be located on the specific lot where construction is occurring and may be placed only after a Building Permit has been issued. No signs are allowed in the street right-of-way or attached to a public facility, pole, fence, etc.

After two (2) days of the issuance of the Certificate of Occupancy, the only signage permitted at the location is a For Sale Sign, if the home is for sale. The sign identifying persons or companies involved in the development of the site must be removed.

SECTION 9.4 INSPECTIONS

Process - Inspections must be requested at least twenty-four (24) hours in advance. The contractor who is issued the permit is responsible for calling in for the inspections or ensuring that the inspections are accomplished. The contractor or their representative must be present for each inspection. At the completion of each inspection an approval/disapproval form will be emailed to the contractor or responsible party. The status of your inspection will be indicated on the form. If there is a box checked that requires a correction, that item must be corrected and inspected again for compliance before the project can proceed.

Inspection fees are included in the cost of the permit. However, failure to pass a required inspection 2 times will result in a \$50.00 re-inspection fee for all subsequent inspections for that phase.

The permit will indicate what inspections are required for the project. They include the following:

Type of Inspection	Requirements		
	New home	Addition/Remodel	Detached Building
a. PLUMBING ROUGH IN: Includes water test on sewer lines, drain line layout, and a check for proper fall. Property lines must be marked so building setbacks can be verified. Failure to obtain shall result in a penalty of \$400 being assessed against the permit holder.	Yes	Yes	Yes
b. FOUNDATION: Stamped form survey must be presented at this time. Form survey required at the time of foundation inspection after forms are in place but before the slab is poured. Form survey must include: • Registered survey seal • Signature • Date If applicable, provide Elevation Certificate. Failure to secure this inspection prior to pouring of concrete shall result in a penalty of \$500 being assessed against the permit holder. If a signed statement is provided from a professional, licensed structural engineer certifying the slab was poured as designed and met inspection criteria, removal of the slab will not be necessary. Complete slab removal will be required if such certification is not provided. The signed statement by the engineer as stated above, certifying the foundation was constructed in accordance to Engineer's specifications must be on file in our office within 14 days following the pour of concrete.	Yes	Yes	Yes
c. FRAMING, ELECTRICAL, MECHANICAL: Inspection to be called for prior to insulation and sheetrock being installed. Inspection will not be made without the certificate required by the foundation inspection. Failure to secure this inspection prior to concealment, by the installation of inside wallboard, lathing, insulation or other materials will result in a penalty of \$400 being assessed against the permit holder.	Yes	Yes	Yes
d. PLUMBING TOP-OUT: Must be performed before insulation is installed with water pressure on the lines. Gas system should be pressured to 10 psi and second story drain lines must be filled with water. Failure to secure this inspection shall result in a penalty of \$400 being assessed against the permit holder.	Yes	Yes	Yes

Type of Inspection	Requirements		
	New home	Addition/Remodel	Detached Building
e. INSULATION INSPECTION: In lieu of an inspection, a certificate of insulation shall be provided prior to the installation of wallboard. Failure to provide an insulation certificate prior to concealment by the installation of wallboard, lathing, or other materials will result in a penalty of \$400 being assessed against the permit holder.	No	No	No
f. WATER/SEWER LINE INSTALLATION: Must be called for after the water and sewer lines have been installed but prior to covering them up. The water line must be bedded in clean fill and be placed under pressure. The sewer line must be connected to the main sewer, bedded in clean fill, and have the correct minimum fall. Cleanouts must be capped at all times and test bladders must be fastened or should have an attachment to prevent loss to sewer main. Failure to secure this inspection prior to concealment by covering the lines with fill will result in a penalty of \$400 being assessed against the permit holder.	Yes	No	No
g. FINAL: Upon Completion. Debris must be removed, lots graded, appliances installed and working, address numbers on building. A Certificate of Completion will be issued after the final inspection is completed and passed. Tiedowns required for detached buildings. Certificate of Occupancy must be obtained before permanent occupancy will be authorized. Failure to secure this inspection before the building is occupied by any party shall result in a penalty of \$600 being assessed against the permit holder.	Yes	Yes	Yes

SECTION 9.5 CONSTRUCTION REQUIREMENTS

Foundation: General Contractors (or sub-contractors) must ensure that each foundation site is scraped of all vegetation and debris prior to installation of any fill materials. Fines shall be assessed if not in compliance.

Driveway Curb Cuts: On any street having a concrete curb, the General Contractor shall saw cut and remove the section of curbing at the driveway entrance(s) and pour a concrete approach extending a minimum of five (5) feet back from the curb. If the original straight line of the asphalt pavement is damaged in the process of removing the curb, the asphalt pavement shall be saw cut to provide a straight, smooth joint with the concrete approach. The joint between the asphalt and the concrete shall be sealed to ensure that it is watertight.

Trash Removal: As of Nov. 21, 2013, the requirements for construction site trash removal were modified by the passage of Ordinance No. 2013-15. The basic changes are as follows.

a. All new construction sites shall have a dumpster, unless the Building Official deems it to be unfeasible.

b. Dumpsters are defined as having four sides and an integral bottom.

In all cases, debris and trash shall be placed in the appropriate containers daily, to prevent it from blowing on adjoining property. This Ordinance applies to all active new construction sites.

Driveway through Drainage Channel: On any street without a concrete curb, the driveway through the city right of way shall be constructed so as not to obstruct the street drainage in any way. Depending on the depth of the drainage channel, if any, the surface of the driveway may be on grade with the bottom of the channel, or a culvert may be placed to permit drainage under the driveway. The size and configuration of any such culvert shall be approved by the City Engineer. It shall have sufficient cover to carry normal household traffic without failure or damage to the drainage pipe. Driveways shall not obstruct drainage in any way. Failure to install the proper size culvert will result in removal of the culvert at the contractor's expense.

Mailboxes: Mailboxes shall be located so as not to pose a hazard to normal street traffic. On streets having a concrete curb, no part of the mailbox or its supporting structure shall extend beyond the line of the outside of the curb. On streets without a curb, no part of the mailbox or its supporting structure shall be closer than three (3) feet from the edge of the pavement. The maximum size of a mailbox shall be 3' x 3' x 5' tall. This provision applies to all mailboxes constructed or modified after its adoption. Property owners are responsible for maintaining the surface of the shoulder in a satisfactory condition for the delivery of mail by the carrier.

Exposed Hot Water Piping: Hot water piping above the slab (includes inside walls) shall be thermally insulated.

Water Heaters: Water heater T & P lines must be full size and shall not be run in the slab. Expansion tanks, if applicable, shall be adjusted to match house water pressure within +/- 3 PSI.

Foundation: Slab of Living Area must be 15" above existing grade after vegetation has been scrapped.

SECTION 9.6 CONSTRUCTION SITE REQUIREMENTS

1. If no plumbing facilities are available on-site, a chemical toilet (45-gal min) will be placed on the site before any construction begins and shall be set so that the door is facing away from the street.
2. Side and rear property lines must be staked and marked (rope, string, tape, etc.) before construction starts and remain in place until construction is complete.
3. Street curb will be protected with base or other material to protect it during construction.
4. Tree cuttings and brush cut to clear the site will not be left to accumulate at the site. City Code requires all cuts or fresh wounds of oak trees to be painted within 30 minutes of cut or exposure.
5. NO BURNING DURING CONSTRUCTION IS ALLOWED. Any fires built on-site must be built in a metal tub, drum, or container and is to be used by workmen for heating or the warming of food. Fires must be extinguished at the end of each day.
6. A trash container (dumpster type) must be placed on the building site no later than the start of framing. Trash and debris must be placed in the trash container DAILY to prevent it from blowing onto adjoining property.
7. All foundation sites will be scraped to remove all surface vegetation prior to setting forms.
8. Concrete trucks shall dump their excess concrete and wash out on the building site. Dumping anywhere else is illegal dumping and subject to criminal prosecution.
9. Due to an increase in population density, we ask your cooperation by pouring concrete after 7 A.M. and confining your work hours to reasonable times to avoid contractors / subcontractors work hour restrictions.

SECTION 9.7 ADDITIONAL INFORMATION

Fees: Refer to ~~Appendix C~~ (Schedule of Fees), the current fee schedule attached to the application form, or Article 8.000 of the City's Code of Ordinances posted on the City's website at www.fairoaksranchtx.org. Please contact City staff for additional information

Chapter 10

OTHER PERMITS

SECTION 10.1 GENERAL INFORMATION

The City of Fair Oaks Ranch has established minimum building and development standards to safeguard life, health, safety, property values, and public welfare. All buildings and certain other construction projects are required to be permitted and inspected by the Building Department. In addition to Commercial and Residential building permits, a number of other permits are required. Refer to list of applications for permits, guidelines, and submittal requirements.