

**CITY OF FAIR OAKS RANCH
CHAPTER 14, ZONING**

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CHAPTER 14, ZONING

Article 1 – General

Section 14.01.001 *Purpose*. The purpose of this Article is to establish zoning districts and allowable uses within the City Limits of Fair Oaks Ranch, as well as procedures for special and temporary uses within each district. The zoning regulations herein established have been designed in accordance with the planning principles and land use patterns outlined within the City of Fair Oaks Ranch’s Comprehensive Plan for the purpose of promoting health, safety, and the general welfare of the public.

Section 14.01.002 *Source*. The following regulations are developed and enforced in order to promote development and redevelopment in the City of Fair Oaks Ranch that is in compliance with moral, orderly, and healthful development and with the Comprehensive Plan.

Section 14.01.003 *Permits, Projects, and Vested Rights*. For additional regulations on permitting, projects, and vested rights, please refer to Section 1.01.010 of the Code.

Section 14.01.004 *Zoning Board of Adjustment*.

- (a) Structure and Procedure of the Zoning Board of Adjustment.
 - (1) Creations, Appointment and Removal.
 - (A) The Zoning Board of Adjustment is established in accordance with Chapter 211 of the Texas Local Government Code (LGC). The Board members are appointed by the City Council.
 - (B) The Board shall consist of five (5) members who shall be appointed by majority vote of the City Council.
 - (C) A member may only be removed for cause.
 - (D) A vacancy on the Board shall be filled for the unexpired term.
 - (E) City Council, by majority vote, shall appoint two individuals as alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.
- (b) Meetings and Vote.
 - (1) Each case before the Zoning Board of Adjustment must be heard by at least four (4) of the five (5) members.
 - (2) The concurring vote of four (4) of the five (5) members of the Board is necessary to:

- (A) reverse an order, requirement, decision or determination of an administrative official; or
 - (B) authorize a variation from the terms of a zoning regulation.
- (c) Duties and Approval Authority. The Board shall have the following duties:
- (1) The Zoning Board of Adjustment shall hear and decide appeals when error is alleged in any order, requirement, decision or determination made by an administrative official of the City in the enforcement of any zoning related decisions. The Zoning Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.
 - (2) The Zoning Board of Adjustment may authorize, in specific cases, a variance from zoning regulations, unless specified otherwise, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the regulation would result in unnecessary hardship, and so that the spirit of the regulation ordinance adopted hereunder is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by the City's zoning regulations. In order to make a finding of hardship and grant a variance from the zoning regulations, the Board must determine the following:
 - (A) the requested variance does not violate the intent of the zoning regulations;
 - (B) special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
 - (C) the hardship is in no way the result of the applicant's own actions; and
 - (D) the interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

Section 14.01.005 *Definitions*. For the purpose of this ordinance, certain terms and words are hereby defined as follows. Terms not defined herein will be construed in accordance with their customary usage and meaning. The word "shall" and the word "will" are mandatory and not permissive. The word "may" is permissive and not mandatory. The words "may not," "shall not," and "will not" are all prohibitive. Headings and captions are for reference purposes only, and will not be used in the interpretation of this ordinance. Unless specifically defined below, words or phrases used in this Code will be interpreted to give them the meaning they have in common usage and to give this Code its most reasonable application.

Accessory Building. Means a structure that is secondary in scale to a principal building on the lot and may not exist without the principal building. Typically the Accessory Building is located to the side and/or rear of the principal building and is subject to any applicable building codes.

Accessory Uses. See Uses, Accessory.

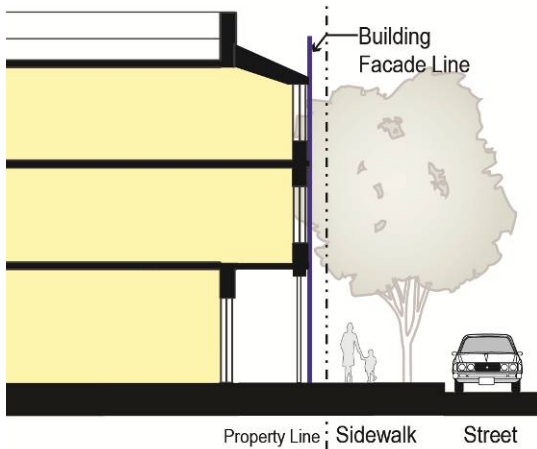
Aesthetic Water Use. Water use for ornamental or decorative purposes such as fountains, reflecting pools, decorative ponds and water gardens.

Alley. See Streets, Alley.

Amended Plat. See Plats, Amending.

Applicant. See Developer or Owner.

Arcade. Is a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space.



Arterial Streets. See Streets, Arterial.

Association. The Fair Oaks Ranch Homeowners Association and/or and individual Homeowners Association.

Bar. An establishment where the primary use is the sale and serving of alcoholic beverages for on premise consumption and that derives 75 percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code. This includes but is not limited to taverns, nightclubs, cocktail lounges, pubs, ice houses, beer joints, saloons, and cabarets.

Block. A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, highway, stream, or corporate boundary lines.

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council.

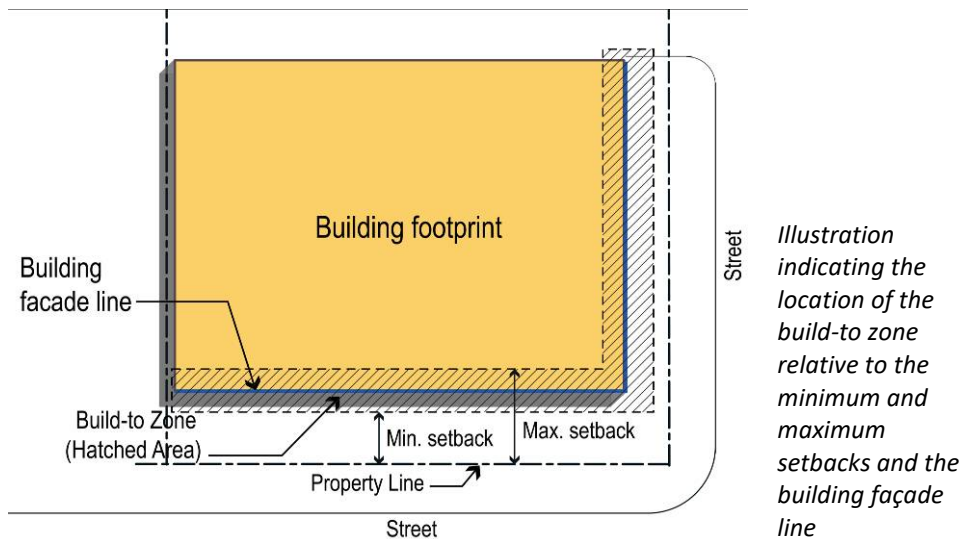
Bond, Construction. Bond or other financial guarantee for the faithful performance, installation and completion of such improvements. In the event any or all of the required improvements as constructed by the Owner fail to meet the requirements of the specifications herein provided and are not accepted and approved by the City Engineer, and said Owner fails or refuses to correct defects called to his attention in writing by the City Manager, the unfinished improvements will be completed at the cost and expense of obligee as said Construction Bond provides.

Bond, Maintenance. An irrevocable letter of credit, a cash deposit, savings assignment, or performance bond, in an amount equal to ten percent (10%) of the amount of the Construction Bond guarantee the owner will guarantee to maintain, to the satisfaction of the City Manager, all of the constructed improvements in a good state of repair for the period of one year from the date of such acceptance by the City. The Maintenance Bond by its terms will provide that liability thereunder will begin on any or all of the required improvements, or a portion thereof, and such liability will remain in full force and effect for the period of one year from the date of the acceptance by the City.

Bond, Performance or Surety. A performance bond or surety bond is a bond required to ensure the completion of a development project pursuant to V.T.C.A., Local Government Code § 212.073.

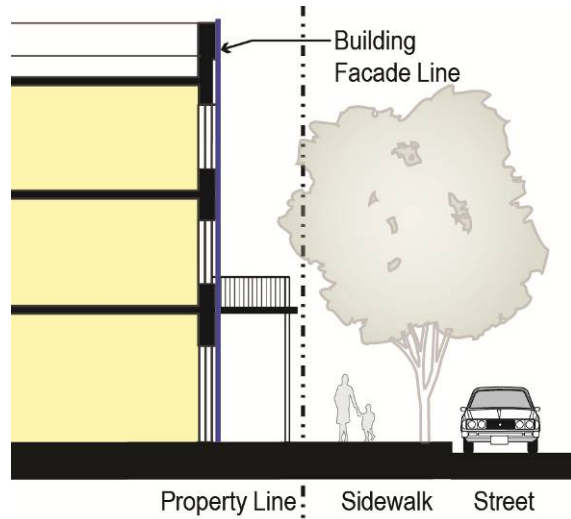
Build. Build means to erect, convert, enlarge, reconstruct, restore, or alter a building or structure.

Build-to Zone (BTZ). Is the area between the minimum and maximum front setbacks from the property line. The principal building façade line shall be located within this area.

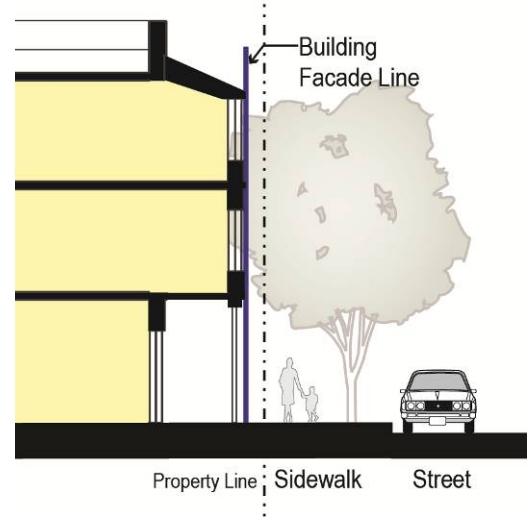


Building. Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including but not limited to tents, awnings or vehicles situated on private property and used for purposes of a building.

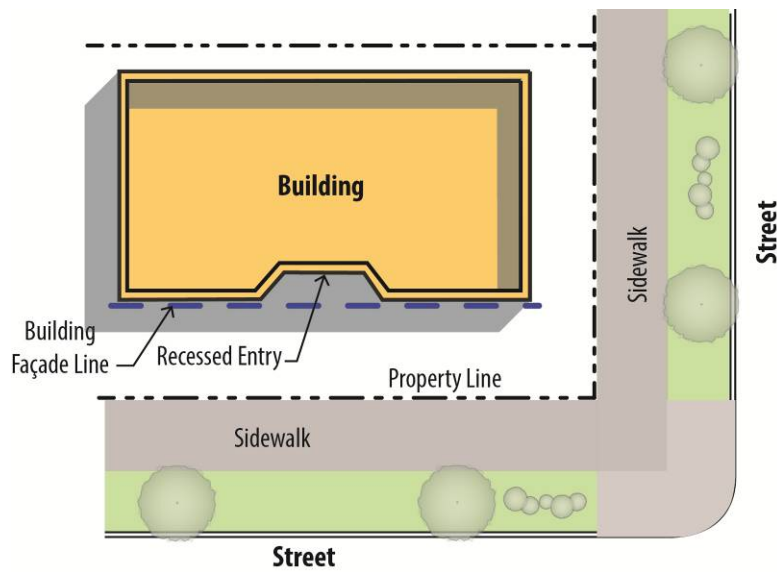
Building Façade Line. Is the location of the vertical plane of a building along a street frontage.



Section View – Gallery Building



Section View – Arcade Building



Plan View

Building Frontage. Is the percentage of a building’s façade line that is required to be located within the Build-to Zone (BTZ) as a proportion of the lot’s width along the fronting public street. Required stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall count towards the required building frontage.

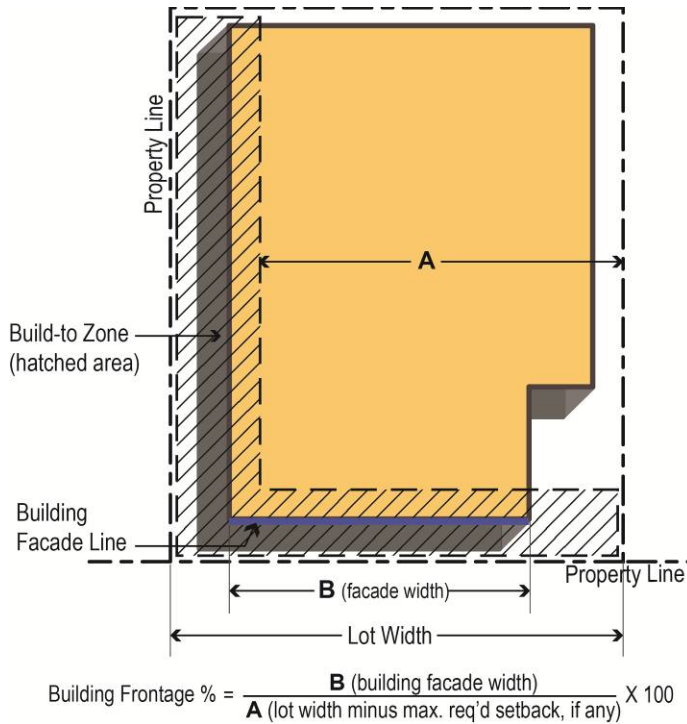


Image showing Building Frontage calculation

Building Official. The person(s) employed by the City to perform the duties of the building permit/inspection department.

Building Permit. A written document issued by the City authorizing the development of a lot or improvement to dwelling units, structures or other facilities located on said lot. “Building Permit” will include the issuance of a permit for irrigation or sprinkler systems.

Building Setback Line. The line within a property that is the minimum horizontal distance between a building or other structure and the adjacent street Right-of-Way/property line.

Certificate of Acceptance (CA). The Certificate of Acceptance is the official certificate issued by the City when all public improvements have been completed and the subdivision or development is acceptable to the city for maintenance. It also may be referred to as "final acceptance" or "completion and acceptance." The beginning of all warranties, as may be guaranteed by a maintenance bond, shall be the date of the certificate of acceptance.

Certificate of Occupancy (CO). A Certificate of Occupancy is an official certificate issued by the City through the enforcement official which indicates conformance with the City’s rules and regulations and which authorizes legal use of the premises.

Childcare (or Day Care). A place other than the child’s or children’s own home or homes in which care, supervision, and guidance of a child or children unaccompanied by parents, guardian or custodian is provided on a regular basis for a period of less than twenty-four (24) hours a day, whether operated for profit or nonprofit.

Climate Controlled Self-Storage. A facility where customers may access storage units through an interior space and where the storage units are temperature controlled in an effort to avoid temperature extremes inside the facility.

City Attorney. The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term will also include any designee of the City Attorney.

City Council. The duly elected governing body of the City of Fair Oaks Ranch, Texas. Whenever the term “Council” or “City Council” or “the Council” is used, it means the governing body of the City of Fair Oaks Ranch, Texas.

City Engineer. The person(s) so designated by the City Manager to provide oversight for and have responsibility of the City’s Engineering, Public Works and Utilities functions. This term will also include any designee of the City Engineer.

City Limits. The city limits is the municipal boundary of the City as determined by City ordinances and annexations.

City Manager. The chief administrative and executive officer of the City, appointed by the City Council, and responsible to the City Council for the administration of all the affairs of the City. “City Manager” includes any City employee designated to act on the City Manager’s behalf.

City of Fair Oaks Ranch (City). The City of Fair Oaks Ranch, including parts of Bexar, Kendall, and Comal Counties, Texas; it’s corporate limits and associated ETJ.

City Secretary. A person designated by the City Council to provide clerical and official services for the City Council. This term will also include any designee of the City Secretary.

Collector Streets. See Streets, Collector.

Commission. See Planning and Zoning Commission.

Community Facilities (CF) Zoning District. See Zoning Districts.

Community (or Group) Home. A residence operated as a single dwelling, licensed by the government and operated by a governmental or a private, or non-profit agency, providing food, shelter, personal guidance, rehabilitation, care, and/or habitation services to persons due to physical condition or illness/disability, or nonviolent mental condition or illness/disability, elderly age, or social, behavioral or disciplinary problems, where authorized supervisory personnel are on the premises.

Comprehensive Plan. The Comprehensive Plan, including all revisions thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City. The Comprehensive Plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, drainage, parks and other public and private developments and improvements and population projections. It may also be referred to as “Comp Plan.”

Conservation. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Conservation Development Alternative. The Conservation Development Alternative can be used in the Rural Residential or Neighborhood Residential Districts and should be used where it is in the best interests of the Developer and the City to enhance a development by limiting density, and providing additional open space, preserving natural resources. Conservation Development may also be utilized to promote a variation in housing types within a development where the City

deems it appropriate. These regulatory incentives are intended to ensure that regulatory modifications to the zoning standards benefit the general public welfare as well as the landowner.

Conditional Use. See Uses, Conditional Use.

Consent Agreement. Agreement between applicant/property owner and the City, wherein the parties may agree upon how City may enforce rights under Chapter 245 of the Texas Local Government Code as to certain property or development.

Construction Bond. See Bond, Construction.

Developer. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by these Subdivision Regulations. The word Developer is intended to include the terms Owner, Owner's Agent, Landowner, Property Owner, Developer, Subdivider and, when submitting platting documents, Applicant.

Development. Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

Director of Public Works and Utilities. See City Engineer.

Driveway. A driveway is a private or semi-public access route commonly used by motor vehicles, trailers and other vehicles that can be licensed for use on a public street. Driveways include access routes to garages, carports, and parking spaces. Areas where such vehicles are stored for more than 24 hours are considered to be driveways for the purposes of this Code.

Duplex. A structure on a single lot designed to accommodate two dwelling units.

Dwelling Unit. A structure or portion of an overall structure in which a typical household or person or unrelated persons would reside together. A single dwelling unit would include a single-family detached house or individual units of attached housing, i.e., one unit within a duplex, triplex, quadplex, or larger apartment building.

Easement. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.

Extraterritorial Jurisdiction (ETJ). The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in Chapter 42 of the Texas Local Government Code, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Code.

Façade Area. Means the surface area of a building's elevation (including all floors) not counting minor indentations fronting a particular street. Ground floor façade area is the surface area of a building's ground floor elevation not counting minor indentations fronting a particular street. Upper floor façade area is the surface area of a building's upper floor elevations not counting minor indentations fronting a particular street.

Facilities or Facility. Facilities includes, but is not limited to, pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennas, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures,

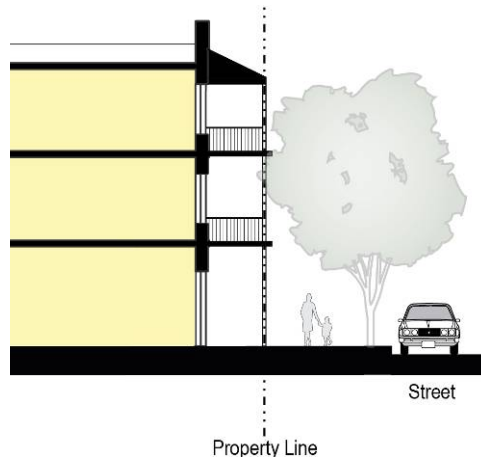
appurtenances, and such other objects, devices, or other items of tangible personal property which are designed, constructed, installed, placed, used or operated in, upon, over, across, above, or below public rights-of-way. Notwithstanding the foregoing, structures designed and constructed for the support and passage of vehicular and pedestrian traffic, such as streets, alleys, highways, driveways, and sidewalks, whether at, below, or above grade, will not be deemed to be facilities. Provided further, a private individually owned connection and/or attendant downstream service line or device, through which a utility service is received by the end user owning same, for which required permits have been issued under applicable building, plumbing, electrical, or other codes of the City, will not be deemed as facilities hereunder.

Fair Oaks Ranch Homeowners Association (FORHA). The association in the City of Fair Oaks Ranch that makes and enforces rules for the properties within its jurisdiction and that owns and maintains private parks, open space and streets.

Family Home Child Care. A residence operated as a childcare facility for not more than six (6) children under fourteen (14) years of age, excluding the caretaker’s own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker’s own, does not exceed twelve (12) at any given time.

Final Plat. See Plats, Final.

Gallery. Is a roofed promenade or canopy, especially one extending along the wall of a building and supported by arches or columns on the outer side. The gallery space is unenclosed (non-conditioned) space and may be 2 or more stories tall.



Group Home. See Community (or Group) Home.

Transitional Housing. A residence operated as a single dwelling, licensed by the government and operated by a governmental, or private, or non-profit agency, for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

Home Occupation. Any activity customarily carried out for gain by a resident, conducted as an Accessory Use in the resident's dwelling unit. Permitted and prohibited home occupations are found in Section 14.05.004 of this Code.

Impervious Cover. All streets and pavement within a development, to include parking areas, buildings, pools, patios, sheds, driveways, sidewalks and other impermeable construction covering the natural land surface that is constructed in such a way that does not allow water to penetrate the ground.

Landscaping. Changing the natural features of a plot of ground so as to make it more attractive, as by adding lawns, trees, bushes, etc.

Logistics (LO) Zoning District. See Zoning Districts, Logistics.

Lot. An undivided tract or parcel of land having frontage on a public street or an approved open space having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract number, lot number, or other symbol in a duly approved subdivision plat which has been properly filed of record.

Maintenance Bond. See Bonds, Maintenance.

Manufactured Home, A HUD-code manufactured home, as defined by the Texas Occupations Code. As of Sept. 1, 2017, that was: a structure constructed on or after June 15, 1976 or a mobile home. “Mobile home” means a structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term does not include a recreational as defined by the State of Texas.

Manufactured Housing. A term used to include both HUD-code Manufactured Homes and Mobile Homes.

Master Plan. The long-term perspective plan for guiding the sustainable planned development of the City, including the planning guidelines, policies, development code and space requirements for various activities supporting the City’s population during the Plan period. It is also the basis for all infrastructure requirements, e.g., the Transportation Master Plan, the Water and Wastewater Master Plan, the Drainage Master Plan, etc.

Mixed Use Village (MU) Zoning District. See Zoning Districts, Mixed Use Village.

Mobile Home. A structure constructed before June 15, 1976, built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. A mobile home is transportable in one or more sections and, in the traveling mode, is at least eight body feet in width or at least 40 body feet in length, or, when erected on site, at least 320 square feet.

Multi-unit Home. Means a Residential building containing either 3 or 4 units either as leasable units or individually owned. Architecturally Multi-Unit Homes are to appear similar to single family homes with only one or two primary entrances per street frontage encouraged.



Image of a multi-unit home.

Multi-family Residential Building. Five or more units for sale or rent, under single ownership or under multiple owners within a condominium regime.

Neighborhood Commercial (NC) Zoning District. See Zoning Districts, Neighborhood Commercial District.

Neighborhood Residential (NR) Zoning District. See Zoning Districts, Neighborhood Residential District.

Nonconforming (Use or Structure). Any land use, platted lot, or structure which does not conform with the current regulations of this Code, but that was already in existence, lawfully constructed and operating at the time of the amendments to the relevant provisions of the Code that made the structure or use nonconforming.

Notice. Actual notice by personal delivery or written notice sent by registered or certified mail.

Official Zoning Map. See Zoning Map.

Open Space. Areas intended for outdoor living, recreation, and/or to maintain the area's natural state, scenic beauty, and wildlife habitat including, but not limited to, parks, trails, and squares.

Open Space (OS) Zoning District. See Zoning Districts, Open Space.

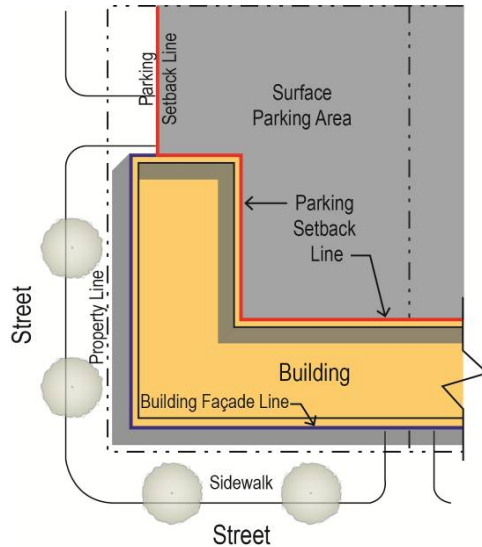
Outdoor Display and Storage. Outdoor display is defined as the display of products actively available for sale, but does not include products in closed boxes, crates, other kinds of shipping containers, or uses considered outdoor storage. Outdoor storage is more intensive than outdoor display and generally means materials stored in outdoor storage that are not normally brought indoors overnight. Additional regulations for Outdoor Display and Storage may be found in Section 14.05.003 of this Code.

Owner. The word "owner," applied to a building or land, will include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land. See Developer.

Parks and Trails. See Open space.

Parking Setback Line. Means the distance that any surface parking lot is to be set back from either the principal building façade line or property line along any street frontage (depending on the

specific standard in the Zoning District). Surface parking may be located anywhere behind the parking setback line on the property.



Patio Home. Are single-family detached or attached (duplex) homes of no more than two attached units, each located on a small lot that has at least some private yard space, generally in the back and/or side yards, but also possibly a small front yard. These types of homes may also be called “Villa” or “Zero Lot Line” homes if the homes are located on one of the side property lines.

Pervious Surface. Patios, pathways and other areas where firm footing is desired, constructed in such a way that allows for water to penetrate the ground. Examples include flagstone set in sand and wood plank decks, but exclude concrete slab patios and sidewalks or pavers set with mortar and generally defined as impervious.

Planned Unit Development (PUD). See Zoning Districts, Planned Unit Development.

Planning and Zoning Commission (Commission). The Planning and Zoning Commission of Fair Oaks Ranch, TX, appointed by the City Council.

Plans and Specifications. A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.

Plat. A map or chart of the subdivision, lot or tract of land. A Plat (i.e., Preliminary Plat, Final Plat, Minor Plat, Replat, or Amending Plat) established in LGC 212, Subchapter A involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.

Premises. A lot or tract within the City or its ETJ, and contiguous tracts in the same ownership, which are not divided by any public highway, street, alley, or right-of-way.

Preschool. A facility that provides supervision and guidance of a child or children unaccompanied by parents, guardian or custodian, and is provided on a regular basis for a period of less than twenty-four (24) hours a day, whether operated for profit or nonprofit, and which implements a planned curriculum of games, lessons, songs, or social exercises.

Principal Building. Means the building or structure on a lot used to accommodate the primary permitted use.

Primary Entrance. Means the public entrance located along the front of a building facing a street or sidewalk and provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private controlled access into the building from a sidewalk, parking or service area.

Professional Engineer: A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements. A professional engineer registered in the State of Texas

Property. The word “property” will mean and include real and personal property. State law reference – “Property” defined, V.T.C.A., Government Code, Sec. 311.005.

Real Property. The term “real property” will mean and include lands, tenements and hereditaments.

Residential Use Building. Means a building that is built to accommodate only residential uses on all floors of the building such as a detached single family home, attached single family home (i.e. townhome), Patio home/two family home (i.e. duplex), Multi-unit home (3 – 4 units), Multi-family Residential building (for sale or rent under single ownership or under multiple owners within a condominium regime).

Rezoning. Rezoning means to change the zone or zoning classification assigned to a district for the purposes of land use.

Right-of-Way (ROW). A parcel of land occupied or intended to be occupied by a street or alley that may also be used for other facilities and utilities, such as sidewalks, electrical communication, oil or gas, water or sanitary or storm sewer facilities, and parkways and medians outside of pavement. For platting purposes, the term ROW will mean that every ROW shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such ROW and not included within the dimensions or areas of such lots or parcels; presumed to be a fee simple dedication to the City, unless otherwise indicated on the Plat.

Rural Residential (RR) Zoning District. See Zoning Districts, Neighborhood Rural

Setback. The minimum distance specified by this Code from the front, rear, and side lot lines, and extending across the full width of the lot, on which no building or structure may be erected.

Sexually Oriented Business or SOB. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult mini-theater, escort agency, nude modeling studio, unlicensed massage parlor, or any other establishment wherein one of its primary business purposes is the offering of a service, live entertainment or the selling, renting, or exhibiting of devices or any specified anatomical parts intended to provide sexual stimulation or sexual gratification to the customer and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Sexually Oriented Businesses do not include:

- Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held;

- Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or
- Any retail establishment whose major business is the offering of wearing apparel for sale to customers.

Any definition of Sexually Oriented Businesses that is created through a subsequent Fair Oaks Ranch City Ordinance will supersede this definition and will become the operative definition for all relevant regulations under this Code.

Single-family Residence. Single-family dwelling unit.

Site. Any tract, lot or parcel of land or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership and where development is to be performed as part of a unit, subdivision, or project as shown on an application.

Site Area, Gross. The total amount of acreage of raw land.

Site Area, Net. The portions of the site that exclude floodplain and wastewater irrigation area and the aggregate of 100% of land with a gradient of 15% or less; 50% of the land with a gradient of more than 15% but less than 25%; and floodplain, outside the Edwards Aquifer Recharge Zone, dedicated for public use

Special Use Permit. A discretionary permit issued for a specific use that would not be appropriate generally or without restriction, except for certain findings by the City. Special Use Permit may be appropriate where the City finds that the proposed use conforms to the Comprehensive Plan and is compatible with the existing neighborhood, and where certain conditions governing the proposed use exist. Places where Special Use Permits will be considered are detailed in the land use tables as part of this code.

Street. A street is all property that is contained within fixed boundaries commonly referred to as right-of-way (ROW) lines, for the primary purpose of vehicular movement and circulation, and in which traveled roadways exist, along with various service utilities and sidewalks for pedestrian circulation.

Streets.

- Alley. Alleys will be paired with certain street types in specific development contexts. A public or private vehicular roadway, designed for the special accommodation of the property it serves and not intended to be used for general public use. In no case will dead-end alleys be permitted.
- Local Connector. Local Connectors access to Collectors and Arterials and are used for minor circulation within a development with moderate traffic accommodation and local multimodal users. A Local Connector Street primary functions to serve abutting land use and traffic within a neighborhood or limited residential district, approximately two hundred to one thousand trips per day, maximum. A local street is generally not continuous through several districts.
- Local Neighborhood Residential. Similar to Local - Rural Residential Streets, these streets primarily access medium density neighborhoods within a development but with some pedestrian facilities. These streets serve abutting land use and traffic within a neighborhood or limited residential district and is not generally continuous through several districts.

- Local Rural Residential. Local Rural Residential Streets access primarily low density rural residential lots within a development without added pedestrian facilities. These streets serve abutting land use and traffic within a neighborhood or limited residential district and is not generally continuous through several districts.
- Arterial. Major Arterials are roadway that serve as a connection to a major highway and generally have rural treatment and buffers to adjacent development. The primary function of an arterial street is to carry high volumes of through traffic, a minimum of five thousand trips per day. Access is usually limited to intersections and major driveways and serve as a link between major activity centers. Streets which carry large volumes of traffic from one part of the city to another.
- Collector. Major Collector Streets access to Arterials. Used for major circulation between developments, these streets are ideal as an edge for mixed-use to serve multi-modal users. A street whose main purpose is to collect and direct traffic from local streets to arterial streets, to carry traffic between arterial streets, approximately one thousand to five thousand trips per day, or to provide access to abutting commercial or mixed use properties or higher intensity residential land uses. Collectors may have a landscaped median supplemental width in the landscaped right-of-way that serves as a buffer between the roadway and adjacent development and preserves and enhances the natural landscape as much as possible.



Image of a combination masonry and living street screen

Structure. Anything constructed or erected, other than a fence or retaining wall, which requires location on the ground or if attached to something having a location on the ground, including but not limited to, buildings, advertising boards, poster boards, mobile homes, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Subdivision. A division of any tract of land located within the corporate limits or in the extraterritorial jurisdiction of The City of Fair Oaks Ranch into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. A subdivision includes a division of a tract regardless of whether it is made by using a metes and bounds description in a deed of

conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. Subdivision includes Resubdivision but does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Telecommunications. Refers to any structure that is designed and constructed for the purpose of telecommunications and broadcasting including, but not limited to, antennas, satellites, towers, and telecommunication buildings.

Temporary Uses. See Uses, Temporary.

Townhome. A building type for rent or ownership that has shared walls and often a zero lot line configuration. Also known as Attached Single Family or Row houses.

Uses:

- Accessory. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building, and located on the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. Additional regulations for Accessory Uses may be found in Section 14.05.004 of this Code.
- Conditional (P/C). Some uses require supplemental regulations in addition to all other applicable regulations of this Code. A conditional use is permitted by right and approval by City Council is not required, provided that it meets the *conditional* use standards found in Section 14.05.003, as well as the other applicable regulations of this Code.
- Special (S). A Special Use Permit is allowed only if approved by City Council in accordance the standards found in Section 14.05.002.

Variance. Formal approval to depart from the strict application of the provisions of this Code, as provided in Section 14.01.004 (c) of this Chapter and Section 1.01.010(e) of this Code.

Zoning Board of Adjustment. The Zoning Board of Adjustments of Fair Oaks Ranch, Texas, appointed by the City Council. Also referred to as “the Board” within this Code.

Zoning Districts:

- Community Facilities District (CF). The Community Facilities District is intended for locations at which facilities are provided for governmental, religious, educational, health care, social service, and special facilities.
- Existing Residential 1 (R1). The Existing Residential 1 (R1) category governs the most dense existing residential types with lot sizes generally under 0.3 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.
- Existing Residential 2 (R2). The Existing Residential 2 (R2) category governs the low density existing residential lots with lot sizes generally between 0.3 acres and 1.3 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.

- Existing Residential 3 (R3). The Existing Residential 3 (R3) category governs the existing rural residential lots with lot sizes generally between 1.3 acres and 5 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.
- Existing Residential 4 (R4). The Existing Residential 4 (R4) category governs the existing ranchette lots with lot sizes generally over 5 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.
- Logistics (LO). The Logistics District (LO) is intended to provide an area for appropriately scaled office-warehouse and what is sometimes called light industrial/commercial uses at discrete locations in the City.
- Mixed Use Village (MU). The Mixed Use Village District indicates areas within the City of Fair Oaks Ranch where the City encourages a mixture of uses that create pedestrian scaled commercial and residential development at major nodes in the City that generally conform to a Hill Country Design aesthetic.
- Neighborhood Commercial District (NC). The Neighborhood Commercial District (NC) is intended to provide areas for commercial activity and certain other activities that are relatively compatible with residential areas or is located within residential neighborhoods.
- Neighborhood Residential (NR). The Neighborhood Residential District serves as the residential district for areas where low to medium density development is appropriate in Fair Oaks Ranch. The district accommodates most housing needs by allowing for housing types and contextual development standards and provides Fair Oaks Ranch with a variety of housing that ensures effective community development.
- Rural Residential (RR). The Rural Residential District zoning district is a residential district that includes land subdivided for single-family residential purposes and associated uses. The lots are generally large (or have a large average size inclusive of conservation areas), and are generally not served by urban infrastructure. This district is intended to retain a rural character.
- Open Space (OS). Open Space serves to preserve the rural aesthetic and ensure preservation of land for environmental stewardship. These areas may be owned and operated by a government entity such as the City of Fair Oaks Ranch, a private entity or protected through private covenant and managed by a homeowner's entity such as FORHA.
- Planned Unit Development (PUD). The purpose of the Planned Unit Development District (PUD) is to promote development that is more flexible, allows clustering, different lot sizes, that may more sensitive to the natural environment, can create a significantly enhanced natural setting and/or sense of place, or otherwise enhances the spirit, design character and pattern of development called out in the Comprehensive Plan for Fair Oaks Ranch. A PUD may be used to permit new or innovative concepts in and mixtures of land uses not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate. A PUD is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD, or proposes mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a General Development Plan from the property owner.

Zoning Map. Zoning map means a map that shows the various zoning districts in the City. The Zoning Map is created by this Code and is always kept current. The Zoning Map will show the number of districts, into which the City is divided, and the status and usage of each district.

ACRONYMS

BTZ	Build-to-Zone
CA	Certificate of Acceptance
CF	Community Facilities District
CO	Certificate of Occupancy
ETJ	Extraterritorial jurisdiction
FOR	City of Fair Oaks Ranch
FORHA	Fair Oaks Ranch Home Owners Association
LGC	Texas Local Government Code
LO	Logistics District
MU	Mixed Use Village
NC	Neighborhood Commercial District
NR	Neighborhood Residential District
OS	Open Space
PUD	Planned Unit Development
R1	Existing Residential 1 District
R2	Existing Residential 2 District
R3	Existing Residential 3 District
R4	Existing Residential 4 District
RR	Rural Residential District
ROW	Right-of-Way
SOB	Sexually Oriented Business

Article 2 – Official Zoning Map

Section 14.02.001 *Creation of Official Zoning Map.* The City is divided into zoning districts, shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code. The Official Zoning Map shall be located in the City of Fair Oaks Ranch City Hall and be identified by the signature of the Mayor, attested to by the City Secretary and bear the Seal of the City of Fair Oaks Ranch under the following words: "*This is to certify that this is the Official Zoning Map of the City of Fair Oaks Ranch.*"

Section 14.02.002 *Changes to the Official Zoning Map.* If, in accordance with the provisions of this Code and §211.006 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be effective immediately.

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

Section 14.02.003 *Replacement of Official Zoning Map.* In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may at any time by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

Section 14.02.004 *Interpreting Zoning District Boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of street, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated, as approximately following city limits shall be construed as following city limits.

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

Section 14.02.005 *Digital Mapping.* Digital maps, created through the use of Geographical Information Systems (GIS) technology, containing registration points recorded on the Texas State Plane Coordinate System (USGS NAD 83, mean sea level) and Texas State Plane, measured in feet, as amended, may be used in the administration and enforcement of this Code, but will not replace the paper originals of official maps required by this Code.

Section 14.02.005 *Building Frontage.*

- (a) **Building Frontage Designations.** The Building Frontage designations are established by the Zoning Map to specify certain building form and site development standards along each street illustrating the City's regulatory commitment to providing streets in certain areas that are oriented to pedestrian travel and safety, as well as auto travel and safety. The Zoning Map illustrates the Building Frontage designations within Fair Oaks Ranch. For the purposes of this code, all Building Frontages are classified into one of the following three (3) categories:
 - (1) Primary Frontages. Primary Frontages are intended to provide the most pedestrian friendly context. Buildings and sites along Primary Frontages shall be held to the highest standard of pedestrian-oriented design and few gaps shall be permitted in the "Street Wall." Breaks in the street wall may be permitted for courtyards, forecourts, sidewalk cafes, and pedestrian connections between the individual sites and the public sidewalk. Publicly accessible spaces designed for people to congregate, such as outdoor cafes, patios, and plazas, when differentiated from the sidewalk, may be included in the building façade delineation for purposes of meeting a build-to or setback range requirement. These Primary Frontages are envisioned by the City as the main retail, restaurant, and entertainment-oriented streets of the city, or are important neighborhood connection points. Primary Frontages are designated on the Zoning Map.
 - (2) Secondary Frontages. Secondary Frontages are also intended to be pedestrian-oriented. However, in some locations, where access to a General Frontage block or alley is not available, Secondary Frontages may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such cases, Secondary Frontages may balance pedestrian orientation with automobile

accommodation. Areas with Secondary Frontages may include a hybrid development design that has a more pedestrian-supportive development context at street intersections and accommodates auto-based functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway with a street wall or with a landscape fence. Secondary Frontages are designated on the Zoning Map.

- (3) General Frontages. General Frontages are intended to accommodate more auto-oriented uses, surface parking, and service functions on a site with a more suburban/automobile orientation. The General Frontages shall include any building frontages not designated as either a Primary or Secondary Frontage on the Zoning Map.
- (b) New Street Frontages. A new street created after the adoption of these zoning regulations shall have frontage designations assigned by the City Manager (or designee) based on the appropriate street designations identified in Section 14.04.002 of this Code and on planning principles represented in the Future Land Use Map and the Transportation Plan included in the comprehensive plan.
- (c) Change of Frontage Designation. A frontage designation may be changed administratively with approval from the City Manager (or designee).

Article 3 – Rezoning

Section 14.03.001 *Amending the Official Zoning Map.* Any decision to amend the Official Zoning Map shall be made based on the procedure outlined in this Section, below. No rezoning action may specifically vary from the Permitted Uses Table 14.2 found in Section 14.05.001, or from the Future Land Use Map included in the Comprehensive Plan.

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

Section 14.03.002 *Newly Annexed Territory.* All areas annexed into the City shall be provided a temporary zoning designation by City Council at the time of annexation. As soon as practical after the annexation, but in no case later than one year, after the completion of annexation proceedings City Council shall permanently zone the area.

Article 4 – Zoning Districts

Section 14.04.001 *Zoning Districts and Table.* The following Zoning Districts reflect the existing land uses and recommended future land uses included in the City of Fair Oaks Ranch Comprehensive Plan. The Future Land Use Map should be consulted for areas located outside of the current City Limits of Fair Oaks Ranch in order to determine the recommended use(s) of land for a specific area.

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 14.2 in Section 14.05.001 for permitted uses within each Zoning District):

Table 14.1 Zoning Districts

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

Section 14.04.002 *Residential Districts.* All residential development shall adhere to applicable development standards described in this Code, as well as to the City’s subdivision and site development regulations, and other applicable City ordinances.

(a) Rural Residential District (RR)

The Rural Residential District (RR) is a residential district that includes land subdivided for single-family residential purposes and associated uses. The lots are a minimum of 5 acres

(or an average of 3.75 acres using the Conservation Development Alternative Minimum to incentivize conservation areas), and are generally not served by urban infrastructure, such as City sewer service. This district is intended to retain a rural character. Residences in the RR district are appropriate primarily for direct access to Local Rural Residential streets.

(b) Neighborhood Residential District (NR)

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

(c) Existing Residential 1 (R1)

The Existing Residential 1 (R1) category governs the most dense existing residential types with lot sizes generally under 0.3 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.

(d) Existing Residential 2 (R2)

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

(e) Existing Residential 3 (R3)

The Existing Residential 3 (R3) category governs the existing rural residential lots with lot sizes generally between 1.3 acres and 5 acres. Exclusive of city permits and ordinances all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.

(f) Existing Residential 4 (R4)

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

Section 14.04.003 *Commercial, Mixed-use & Non-residential Districts.* All Commercial / Mixed Use / Nonresidential development shall adhere to applicable development standards described in this Code, as well as to the City's subdivision and site development regulations, and other applicable City ordinances.

(a) Mixed Use Village (MU)

The Mixed Use Village District (MU) indicates areas within the City of Fair Oaks Ranch where the City allows and encourages a mixture of uses that create pedestrian scaled

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

(b) Neighborhood Commercial District (NC)

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

(c) Community Facilities District (CF)

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

(d) Logistics (LO)

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

(e) Open Space (OS)

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

Section 14.04.004 *Special Zoning Districts*. A Special Zoning District is a zoning district that establishes regulations that are unique to the district but combine with the regulations of an underlying (base) zoning district. The purposes of a Special Zoning District shall be to establish additional or different development and/or design criteria in exchange for a public benefit. An overlay may also establish conditions for uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district.

(a) Planned Unit Development (PUD). The purpose of the Planned Unit Development District (PUD) is to promote development that is more flexible, allows clustering, different lot sizes,

that may more sensitive to the natural environment, can create a significantly enhanced natural setting and/or sense of place, or otherwise enhances the spirit, design character and pattern of development called out in the Comprehensive Plan for Fair Oaks Ranch. A PUD may be used to permit new or innovative concepts in and mixtures of land uses not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate. A PUD is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD, or proposes mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a General Development Plan from the property owner.

Section 14.04.005 Conservation Development Alternative. The Conservation Development Alternative provides a development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. A Conservation Development Alternative is a development of land within Rural Residential or Neighborhood Residential Districts, occupying ten (10) contiguous acres or more, that is developed in a manner generally consistent with engineering and planning principles often described as “low impact design.” The land must also be under unified control and planned and developed as a whole in a single development operation or programmed series of development stages. The development may cover more than one parcel as long as all parcels are contiguous, but the entirety of each included parcel will be included in the gross area of the development. This process also provides incentives to landowners by providing uniform rules to govern increased density, outlined in the table below, entitled “Conservation Development Alternative Density Incentive.” Conservation Development may also be used to preserve natural resources, minimize infrastructure costs for the landowner or the City, and to better conform lot configurations and housing types to topography and market needs in places where the City deems it appropriate. These regulatory incentives are intended to ensure that regulatory modifications to the zoning standards benefit the general public welfare as well as the landowner. A Conservation Development must be clearly indicated as such on its Preliminary and Final Plats.

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)

(a) Standards

- (1) All street and utility improvements will be constructed to standards specified by the City. Private street widths may vary with City Manager approval from widths required in the subdivision regulations, and interior streets may be either public or private.

- (2) All Conservation Developments will provide for continuous and perpetual maintenance of stormwater management facilities, common open space, common recreation facilities, private roads, utilities, parking areas, and other similar development within the boundaries of the development in a form and manner acceptable to the City.
- (3) Platting will be required for all projects that involve or contemplate the subdivision of land. Lots in a platted Conservation Developments may be sold to separate owners.
- (4) To encourage design flexibility, conservation of natural amenities, and innovations that result in a higher quality residential environment than traditional subdivisions, comprehensive site planning is required of all Conservation Developments.
- (5) The buildable area is the gross area of the Conservation Development minus the protected Conservation areas. The minimum restricted conservation area will comprise all of the types as defined below. The minimum restricted Conservation Area will total not less than 30 percent of the total buildable area of the Conservation Development. Refer to City Manager for a list of Conservation Areas required to be included within the protected area.

(b) **Application Requirements**

- (1) Site Analysis Map. Applications and Permits, of this Code, the Developer must show the following features on a Conservation Development site analysis map to be submitted concurrent with the submission of Conservation Development Site Plan to include the following:
 - (A) 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;
 - (B) All streams, rivers, lakes, and other hydrologic features;
 - (C) General vegetation characteristics;
 - (D) General soil types as determined from the latest soil survey by the Natural Resources Conservation Service of the United States Department of Agriculture;
 - (E) Planned location of protected Open Space;
 - (F) Total acreage of buildable area in the Conservation Development;
 - (G) Potential connections with existing green space and trails; and
 - (H) Location and total area of proposed impervious surfaces.
- (2) Management Plan. A Management Plan must provide guidelines for maintenance and operation, costs, inspections, and amendments. Refer to City Manager for further information.
- (3) Legal Instrument of Permanent Protection. A Conservation Easement be placed on the Open Space no later than the recording of the Final Plat. The conservation easement and the Final Plat will be filed simultaneously and will make reference to each other. Each will not be complete without the other.
- (4) Other Requirements. The Developer will adhere to all other zoning and subdivision requirements. A Conservation Development will be approved in accordance with the

procedures established in this Code. It will be clearly indicated on the Preliminary and Final Plats that the proposed subdivision is a Conservation Development.

(c) **Prohibited Uses**

The uses of Open Space will not include the following:

- (1) Golf courses.
- (2) Impervious Surfaces. Roads, parking lots, and impervious surfaces, except as incidental to other development purposes.
- (3) Impoundments.
- (4) Commercial Uses. Commercial uses not specifically authorized in the previous Section.
- (5) Mining Uses.
- (6) Treatment / Management Facilities. Potable water or wastewater treatment plants. Stormwater management facilities and wastewater disposal systems not specifically authorized in the previous Section.
- (7) Other Activities. Other activities as determined by the Developer.
- (8) Recorded. All prohibited uses will be clearly indicated in the Legal Instrument, identified in the Application Requirements of this Section, which provides for permanent protection.
- (9) Public Access. Whether or not to allow public access to the protected Open Space is at the discretion of the Applicant.

(d) **Ownership and Management**

- (1) Ownership of Open Space. A Homeowners Association representing residents of the Conservation Development will own the Open Space. Membership in the Homeowners Association will be mandatory and automatic for all homeowners of the development and their successors. The Homeowners Association will have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon will be borne by the Homeowners Association.
- (2) Management Plan. The Applicant will submit a Management Plan for the Open Space and Common Facilities.

(e) **Approval Criteria**

Upon receipt of the Commission's recommendation to the City Council, the Council will consider the following specific objectives and criteria in making a determination on a proposed Conservation Development. The Conservation Development and related incentives will be permitted if it meets the following criteria:

- (1) Comprehensive Plan. The development must be compatible with the goals and policies of the City of Fair Oaks Ranch Comprehensive Plan; and
- (2) Standards. The minimum standards identified in this Section.

Article 5 – Land Use Regulations

Section 14.05.001 *Permitted Uses*. The following table (Table 14.2) reflects the uses permitted within each zoning district. For uses not listed, the City Manager or his/her designee shall make a determination based on their interpretation of the intent and spirit of this ordinance and the Fair Oaks Ranch Comprehensive Plan. An applicant may appeal the decision of the City Manager by presenting their case to the Zoning Board of Adjustment.

- (a) A Use Permitted by right (P) is subject to all other applicable regulations of this Code.
- (b) Some uses require supplemental regulations in addition to the other applicable regulations of this Code. A use indicated by (P/C) is permitted by right and **approval by City Council is not required**, provided that it meets the *conditional* use standards found in Section 14.05.003, as well as the other applicable regulations of this Code.
- (c) A Special Use Permit (S) is allowed **only if approved by City Council** in accordance the standards found in Section 14.05.002.
- (d) Not Permitted (NP)

Table 14.2: Use Table

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space ¹
Retail Sales or Service <u>with no drive through facility</u>	P	P	NP	NP	NP	NP	NP	NP
Retail Sales or Service <u>with drive through facility</u> (includes retail with associated fuel sales)	P/C	NP	NP	NP	NP	NP	NP	NP
Bars	S	S	NP	NP	NP	NP	NP	NP
Food Service Uses such as full-service restaurants, cafeterias, bakeries catering and snack bars <u>with no drive through facilities</u>	P	P	NP	P	NP	NP	NP	NP
Art, antique, museum, furniture or galleries (retail, repair or artisanal fabrication)	P	P	NP	P	NP	NP	NP	NP

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space ¹
Entertainment, theater, cinema, or music venue	P/C	NP	NP	P/C	NP	NP	NP	NP
Sexually Oriented Business	NP	NP	NP	P	NP	NP	NP	NP
Commercial/ Office <u>with no drive through facility</u>	P	P	NP	NP	NP	NP	NP	NP
Commercial/ Office <u>with drive through facility</u>	P	NP	NP	NP	NP	NP	NP	NP
Pet and animal sales or service	P	NP	NP	P	NP	NP	NP	NP
Fitness, recreational sports, gym, athletic club, dance or yoga studio	P	P	P	P	NP	NP	NP	NP
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P	P	P
Business associations and professional membership organizations	P	P	P	P	NP	NP	NP	NP
Childcare, day care, and preschools	P/C	P/C	P/C	NP	NP	NP	NP	NP
Family home child care	P/C	P/C	P/C	NP	S	S	S	NP
Schools, libraries, and community/civic facilities	P	NP	P	NP	NP	NP	NP	NP
Religious Institutions	NP	NP	P	P	NP	NP	NP	NP
Universities and Colleges and Technical, trade, and specialty schools	P	NP	P	P	NP	NP	NP	NP
Hospitals and nursing establishments	P	NP	P	NP	NP	NP	NP	NP
Social, fraternal and philanthropic organizations	P	P	P	P	NP	NP	NP	NP
Transitional Housing	S	S	S	S	S	S	S	S
Community or Group Homes	P/C	P/C	P/C	P/C	P/C	P/C	P/C	NP

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space ¹
Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P	P	P	P	NP	NP	NP	NP
Funeral homes	P/C	NP	NP	NP	NP	NP	NP	NP
Single Family Residential	P	NP	P	NP	P	P	P	NP
Accessory Building Residential Unit (Garage Apt.)	P	P	P	P	P	P	P	NP
Single-family Residential Attached/ Townhomes/ Patio Home/ Duplex/ Multi Unit Home (3-4 Units)	P	P	P	P	P/C	NP	NP	NP
Multi-family Residential	P	NP	NP	NP	NP	NP	NP	NP
Home Occupations	P	P	P	P	P	P	P	NP
Manufactured Housing	NP	NP	NP	P/C	NP	NP	NP	NP
Auto and Vehicle Related Sales and Service Establishment	NP	NP	NP	P/C	NP	NP	NP	NP
Brewery, Distillery, or Winery	NP	NP	NP	P	NP	NP	NP	NP
Brewpub (restaurant with auxiliary: Brewery, Distillery, or Winery)	P	NP	NP	P	NP	NP	NP	NP
Commercial food, textile and product manufacturing	NP	NP	NP	NP	NP	NP	NP	NP
Heavy manufacturing that may produce hazardous waste	NP	NP	NP	NP	NP	NP	NP	NP
Miscellaneous light manufacturing (Manufacturing processes that do not create hazardous waste)	NP	NP	NP	P	NP	NP	NP	NP
Warehouse and Self-Storage	NP	NP	NP	P/C	NP	NP	NP	NP
Climate Controlled Self-Storage	P/C	NP	NP	P/C	NP	NP	NP	NP

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

¹Open Spaces are reserved for active or passive recreation, and for the preservation of land in its natural state. Building on, or modification of, land in Open Space districts is generally prohibited except where incidental to a larger purpose of preserving and enhancing Open Space areas; or, where necessary for public health and safety purposes. The only exception is the category in Table 14.2 described as “Parks, greens, plazas, squares, and playgrounds.” These uses are allowed in Open Space districts, provided that vertical construction is kept to a minimum and, in the opinion of the City Manager, the primary purpose of the land use is not to provide for activity intended for other districts nor to otherwise circumvent this provision and the intent of this zoning code and the Comprehensive Plan of Fair Oaks Ranch.

Section 14.05.002 *Special Use Permits.*

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

(b) Approval Criteria.

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 Manager for compliance with this Code.
2. In addition to the criteria for zoning changes found in this Section, the City Council may approve an application for a Special Use Permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The City Council will review the Special Use Permit application based on the potential use's impact on the health, safety and welfare of the surrounding neighborhood; its impact on public infrastructure such as roads, parking facilities and water and sewer systems; and its impact on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately provide services.
3. 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.
4. Special Use Permits must be resubmitted to the City Manager and the City Council for consideration using the modified Site Plan.
 - (A) 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.
 - (B) If the City Manager determines that the modifications to the Site Plan changes the basis for the initial Special Use Permit approval, the modified permit will follow the regular review process for a regularly submitted Special Use Permit.
 - (C) The City Council is responsible for final action on applications for Special Use Permits.

Section 14.05.003 Conditional Uses.

- (a) Retail Sales or Service with drive through facility. Retail Service with drive through facility will be governed by design guidelines promulgated by the City or by a design code. Until such guidelines are adopted, an applicant will develop plans consistent with the comprehensive plan and submit them to the City for approval by the City Manager (or designee), with appeal to the Zoning Board of Adjustment.
- (b) Alcohol Sales or Liquor Store
Alcohol Sales or Liquor Store is permitted in accordance with Table 4.2 and subject to the following standards:

- (1) Alcohol sales shall be prohibited within 300 feet of a church, public or private school.
 - (2) Method of measurement. The measurement of the distance between the premises and a church, public or private school shall be from the property line of the church, public or private school to the property line of the place of business, and in a direct line across intersections.
 - (3) This section does not apply to any establishment that is licensed for the sale or consumption of alcoholic beverages at the time a church, public school or private school begins construction or occupancy of a building within 300 feet of the licensed establishment. Nor shall it apply to churches, public schools or private schools that are themselves licensed for the sale or consumption of alcoholic beverages.
 - (4) This section does not apply to on-premises consumption if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages; off-premise consumption if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or a wholesaler, distributor, brewer, distiller, rectifier, winery, wine bottler or manufacturer as those words are ordinarily used and understood in Chapter 102 of the Texas Alcoholic Beverage Code.
- (c) Bed and Breakfast. A bed and breakfast establishment is permitted in accordance with Table 14.2 and subject to the following standards:
- (1) A maximum of five guest rooms may be provided in any one bed and breakfast establishment.
 - (2) No food preparation, except beverages, is allowed within individual guest rooms.
 - (3) Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas, the applicable County, and the City of Fair Oaks Ranch.
 - (4) The operator shall keep a current guest register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
 - (5) Bed and breakfast establishments in any residential district shall be subject to the following additional standards:
 - (A) The operator of the bed and breakfast must be a full-time resident of the dwelling in which the bed and breakfast establishment is housed.
 - (B) There must be adequate parking, with at least one off-street space for every two (2) rooms. All parking areas on property (except driveways) shall be located behind the primary buildings front façade or must be screened from the view of adjacent residences to a height of six (6) feet by a solid screening fence, or dense shrubs and vegetation.
- (d) Entertainment. Entertainment uses are permitted in accordance with Table 14.2 and subject to the following standards:

- (1) Outdoor entertainment uses adjacent to a residential district shall not create or permit any unreasonably loud noise which disturbs or causes distress to those residents in the surrounding neighborhoods.
 - (2) A noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from the magistrate or peace officer that the noise is a public nuisance.
 - (3) Entertainment uses that include regular outdoor activities (twice per month or more) involving live or recorded music within 300 feet of a residence; amplified speaking, music, or sound effects; motors operating at high revolution, or other activities considered by a reasonable person likely to create loud or obnoxious noises to the distress of other residents of the City, shall file a plan in writing with the City outlining what standards and procedures will be followed to prevent violation of Conditions 1 and 2.
- (e) Auto Vehicle Related Sales and Service Establishment. An Auto and Vehicle Related Sales and Service Establishment is permitted in accordance with Table 14.2 and subject to the following standards:
- (1) Fixed lighting shall be so arranged to prevent direct glare of beams onto any adjacent public or private property or street and be in compliance with the Camp Bullis Joint Land Use Study lighting guidelines and the City of Fair Oaks Ranch lighting guidelines.
 - (2) Repairs shall be performed only within the principal building on the premises, unless it can be shown to the satisfaction of the City Manager that a separate building containing parts or accessories can achieve the intended aesthetic purpose of this Section.
 - (3) Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from ground level.
 - (4) Outdoor display of vehicles shall be set back a minimum of fifty (50) feet from all lot lines abutting residentially zoned or developed property.
 - (5) Setback areas shall be configured to prevent access by vehicles.
 - (6) Open space along the perimeter of the required buffer yard shall be landscaped in accordance with City development regulations.
 - (7) Portable buildings on site are prohibited.
 - (8) All automotive parts shall be stored within an enclosed building, and there shall be no open storage of dismantled vehicles visible at any point beyond the premises.
 - (9) All repair or service work requiring six or more consecutive hours (i.e. major repair) shall take place either within an enclosed structure or behind a suitable screening device.
 - (10) The bay doors to the garage shall not be oriented toward the public right-of-way.

- (f) Warehouse/Self Storage. A self-storage establishment is permitted in accordance with Table 14.2 and subject to the following standards:
- (1) No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district, and the site must be in compliance with the Camp Bullis Joint Land Use Study lighting guidelines and the lighting regulations of the City of Fair Oaks Ranch.
- (g) Climate Controlled Self-Storage. A climate controlled self-storage establishment is permitted in accordance with Table 14.2 and subject to the following standards:
- (1) No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district, and the site must be in compliance with the Camp Bullis Joint Land Use Study lighting guidelines and the lighting regulations of the City of Fair Oaks Ranch.
- (h) Utility Facilities. A utility facility is permitted in accordance with Table 14.2 and subject to the following standards:
- (1) Such uses must be accompanied by an eight-foot high solid screening fence (or alternate material approved in writing by the City Manager) with a gate made of similar material and with landscaping in compliance with the rest of this Code.
 - (2) The facility must be secured so as not to pose a threat to the health or safety of human life.
 - (3) Requirements for Wireless Transmission Facilities will conform to the City's specific regulations for Wireless Transmission Facilities as developed in the Comprehensive Plan process. In case said regulations have not yet been adopted, the City Manager will determine guidelines based on the Comprehensive Plan, and preliminary recommendations of the City's planning consultants and the Citizen Stakeholder Committee, as represented in the latest existing draft of the proposed Unified Development Code.
- (i) Childcare.
- (1) Day Care use is permitted in accordance with Table 14.2 and subject to the following standards:
 - (A) All day care facilities shall meet the minimum state requirements for such facilities and shall be registered with the State of Texas.
 - (B) Day care facilities are permitted subject to state regulations and the restrictions in this Section.
 - (C) All child care facilities shall provide at least as much outdoor play area and indoor activity space per child as required by the state for licensed day care centers. All outdoor play areas shall be located behind front building lines and a 6 ft. tall opaque screen shall be provided to screen abutting property that is zoned residential at the time the child care facility is established.
 - (2) Family Home Child Care.
 - (A) Number of children: A family home care facility shall provide regular care to no more than six (6) children under fourteen (14) years of age (as defined

by State Regulations), excluding children who are related to the caretaker; may provide care after school hours for not more than six additional elementary school children; provided that the total number of children, including those related to the caretaker, shall not exceed twelve(12) at any given time.

- (B) Number of employees: A family home childcare facility may employ only residents of the premises, including all paid and unpaid care providers.
 - (C) Separation: Family home care facilities located in residential districts shall be separated from other child care facilities in that district by not less than six hundred (600) feet. Upon the recommendation of the Planning and Zoning Commission, the Council may grant exceptions to this rule upon finding that such exceptions do not contribute to the proliferation of child care facilities within a neighborhood.
- (3) Group Day Care Home.
- (A) Number of Children: A group day care home shall provide regular care for seven to twelve (7-12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.
 - (B) Separation: Group Day Care home care may not be located in residentially zoned areas.
 - (C) Number of Employees: A maximum of two (2) non-resident employees may work at group day care home.
- (4) Day Care Center.
- (A) Number of children: A day care center shall provide regular care to children under fourteen (14) years of age for less than twenty-four (24) hours a day.
 - (B) Separation: Day Care Centers may not be located in residentially zoned areas.
 - (C) Off-street parking and loading: Loading zones must be off-street, drive-through and paved to a minimum width of ten (10) feet and a maximum width of twenty (20) feet. Loading zones shall have a holding capacity of one vehicle per five hundred (500) square feet of the facility, exclusive of parking spaces, provided that no facility shall be required to have a loading zone with a capacity in excess of six (6) spaces.

(j) Senior Adult Group Home Care.

- (1) Number of Residents: A Senior Adult Group Home Care shall provide regular live-in care for two to four (2-4) adults.
- (2) Separation: Senior Adult Group Home care facilities located in residential districts shall be separated from other Senior Adult Group Home care facilities in that district by not less than six hundred (600) feet. Upon the recommendation of the Planning and Zoning Commission, the Council may grant exceptions to this rule upon finding that such exceptions do not contribute to the proliferation of facilities within a neighborhood.

- (3) Number of Employees: A maximum of two (2) non-resident employees may work at Senior Adult Group Home Care home.

(k) Community Home or Group Home.

- (1) For the limitation of six or fewer clients, this means six or fewer clients and two authorized supervisory personnel.
- (2) A Community Home or Group Home must be at least 2,000 feet from any other transitional house or inpatient substance abuse treatment facility, measured property line to property line.
- (3) A Community Home or Group Home must be at least 750 feet from any other community home or group home.
- (4) The residential character of the structure may not be altered, either through use of colors, materials, construction (excepting provisions for the physically handicapped) and lighting; the emission of sound, noise, vibration and electromagnetic interference; or outdoor storage of any kind.
- (5) Vehicles used primarily for the community home or group home (for instance, vans displaying an institution name) must be stored where they cannot be readily seen from the public right-of-way or adjacent properties when located in a residential zoning district.
- (6) Any single-family dwelling unit to be utilized for a community home or group home shall provide as a minimum, the following square footage in each bedroom:
 - (A) To house one person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.
 - (B) To house two or more persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per person housed in the bedroom utilized for this purpose. For example, two persons would require a one hundred sixty (160) square foot room.
- (7) A single-family dwelling unit to be utilized for a community home or group home shall provide as a minimum, one parking space for each bedroom in the home, including the spaces provided by the garage but not including the parking on public right of way adjacent to the home.

(l) Manufactured Housing.

- (1) Mobile Homes may not be installed.
- (2) HUD-Code Manufactured Homes may be installed.
- (3) No more than four units may be installed on a single Lot.

(m) Funeral Homes.

- (1) Users seeking a Conditional Use Permit shall file a written plan with the City demonstrating how operations will not adversely impact residential uses within 1000 feet.

(n) Single Family Residential Attached.

- (1) Permitted only on Lots that have current or previous use (within the past 12 months) as a single-family attached residential dwelling; or,
- (2) Where applicant can demonstrate that the total density of dwelling units within a proposed development is equal to or less than the average density of the zoning district. For the purposes of this Condition, a “development” includes the total number of dwelling units proposed or accounted for in a development agreement, a master drainage plan, or another type of master plan approved by the City. If two or more such plans exist for the property in question, the one with higher total number of dwelling units controls.

Section 14.05.004 Accessory Uses.

- (a) General. Any accessory use may be permitted provided there is association with a primary use that may be permitted in accordance with Table 14.2 of this Code. The establishment of such accessory uses shall be consistent with any or all of the following standards:

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

- (b) Home Occupations. A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted provided the occupation meets the following provisions:

- (1) Is conducted entirely within a dwelling or integral part thereof and has no outside storage of any kind related to the home occupation;
- (2) Is clearly incidental and secondary to the principal use of the dwelling;

- (3) Is conducted only by persons residing on the premises (nonresident employees are not permitted);
- (4) Does not affect the residential character of the dwelling or cause the dwelling to be extended or altered, internally or externally;
- (5) Deliveries by commercial vehicle occur only between the hours of 8 a.m. and 6 p.m.;
- (6) Does not generate traffic, parking, sewage, or water use in excess of what is typical in the residential neighborhood;
- (7) Does not create disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, electrical interference, or other hazard to persons or property within the vicinity;
- (8) Does not result in the off-street or on-street parking of more than two vehicles at any one time not owned by members of the occupant family; and
- (9) Does not involve any on-site retail sales.

(c) Prohibited Home Occupations

The following are prohibited as Home Occupations:

- (1) Animal hospitals, kennels, or crematoriums.
- (2) Mortuaries;
- (3) Private clubs;
- (4) Repair shops;
- (5) Restaurants (excluding Bed and Breakfasts);
- (6) Automobile or mechanical paint or repair shops;
- (7) Doctor, dentist, veterinarian or other medically related office;
- (8) Rooming/Boarding House;
- (9) Barber shops, Hair Salon and Beauticians.

Section 14.05.005 *Temporary Uses*. Temporary uses, as set forth below, are declared to have characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed to be located. Permits for Temporary Uses must be submitted for review prior to its use.

(a) Temporary Sales Office and Model Homes.

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

(b) Construction Oversight Offices.

A temporary building for use as a construction oversight office is permitted on a twelve-(12) month or shorter basis. One construction oversight temporary building shall be

allowed for each builder in a subdivision in which that builder has the authority to construct structures.

(c) Temporary Parking Lots.

- (1) When additional parking, in excess of what this Code requires and/or in excess of what was installed when a facility first opened, is necessary to accommodate business or patronage that was unanticipated when the facility first opened, this parking may be supplied using the standards below. All such parking lots must receive site plan approval from the City Council or City Manager. If these standards are allowed, the parking lot may exist on a temporary basis, not to exceed twelve (12) months. The beginning date of the 12-month period shall be determined by the City Manager.
- (2) Temporary parking lots are subject to the following standards:
 - (A) The surface of the parking lot may be gravel or some other temporary material approved by the City Engineer;
 - (B) Curbs, gutters or other improvements may be required where necessary to comply with drainage regulations as approved by the City Engineer;
 - (C) Entrance to the lot from any public right-of-way is at the discretion of the City Engineer;
 - (D) When entrance to the lot is allowed from a public right-of-way, that portion of the entrance located in the right-of-way must be paved with an all-weather surface as approved by the City Engineer; and
 - (E) It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud or gravel onto public rights-of-way. Violation of this standard will suspend use and immediately shut down parking lot until problem has been corrected to the satisfaction of City Engineer.
- (3) At the end of the twelve-month period the lot must be brought up to full compliance with parking lot standards, as approved through the applicable site plan review process. If no site plan is approved within two (2) months of the expiration of the temporary parking lot approval, the lot, including all paving material, must be removed and the area no longer used for the parking of vehicles. If the lot is removed, the area must be sodded, seeded or hydro mulched with grass within ten (10) days of removal. Driveway access shall be removed and curb and gutter replaced.

Section 14.05.006 *Outdoor Display and Storage.* Outdoor display and storage shall be allowed in nonresidential districts in accordance with this Section. Any merchandise, material or equipment situated outdoors in nonresidential districts shall be subject to the requirements of this Section. For the purpose of this Section, outdoor storage and display shall be classified into three categories.

(a) Categories of Outdoor Storage and Display.

(1) Outdoor Display.

- (A) Outdoor display is a display of items actively for sale.
- (B) Outdoor display shall be allowed adjacent to a principal building wall, may not extend into the right-of-way, and may only extend a distance of no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
- (C) Outdoor display may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.

(2) Limited Outdoor Storage.

- (A) Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.
- (B) Limited outdoor storage shall be to the side or rear and not exceed 1,000 square feet or 5 percent of the total site area (whichever is greater), except in the Logistics district where additional outdoor storage and display is allowed so long as it is completely screened from view from outside the site, by a solid opaque wall or fence at least six feet in height. Such area may extend from the primary building, but not for a distance greater than 50 feet, and not into a public right-of-way or easement.
- (C) Limited outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.
- (D) Limited outdoor storage shall not be allowed in required off-street parking spaces.

(3) General Outdoor Storage.

- (A) General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display or limited outdoor storage, including items stored in shipping containers, and semitrailers not attached to a truck.
- (B) General outdoor storage shall be allowed in unlimited quantity, provided that the storage area is screened from any public right-of-way and meets the location restrictions below.
- (C) No general outdoor storage shall be permitted within the following areas:
 - (i) A required front or side setback or easement.
 - (ii) Between a front setback and the building front.
 - (iii) Between a side setback along a public right-of-way and any building or structure.
- (D) General outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.

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

(b) Outdoor Display and Storage Requirements

- (1) Required in Site Plan. All outdoor display and storage areas must be clearly shown in the site plan submitted for the property.
- (2) Right-of-Way. Unless specifically authorized elsewhere in this Code, all outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement and outside of any required landscape area. Additionally, all outdoor display and storage shall only be on pavement.
- (3) Side Yards. No form of outdoor display and storage shall be allowed in required side setbacks or buffer yards.

(c) Exceptions

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

Section 14.05.007 *Nonconforming Uses*. Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this Code when it is adopted, or when any amendments thereto, take effect. The purpose of this Section is to provide for recognition of such uses and procedures for bringing such uses into conformance.

- (a) Any use of property existing at the time of the passage of this Section of the Code or that exists when land is annexed into the city that does not conform with the regulations prescribed in the preceding Sections of this Code shall be deemed a nonconforming use, except that any single-family use existing at the time of passage of this Code shall be thereafter deemed a conforming use.
- (b) A nonconforming use of land may be continued, but if said nonconforming use is discontinued for a period of time in excess of six (6) consecutive months, any future use of said premises shall be in conformance with the provisions of this Code.

- (c) A nonconforming use of a building may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein.
- (d) The right to maintain the nonconforming use shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the Zoning Board of Adjustment, be reasonably required to protect the health and safety of adjacent property.
- (e) A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In cases of partial destruction by fire or other causes, not exceeding fifty (50) per cent of its value, the building inspector shall issue a permit for reconstruction. If greater than fifty (50) per cent and less than the total, the Board of Adjustment, may grant a permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.
- (f) A violation of this code provision and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any lawsuit which may be filed in any court.
- (g) Notwithstanding any other provisions of this Code, any legal nonconforming use of property existing as of the date adoption of this Code that does not conform to the regulations prescribed in the Code of the City of Fair Oaks Ranch, shall be deemed a non-conforming use, subject to the provisions contained in this Section.

ARTICLE 6 - COMPLIANCESection 14.06.001 *General.*

- (a) Compliance. It will be unlawful for any person to begin, continue, or complete any development on any land within the territorial jurisdiction of the City to which the provisions of this Code apply, except in accordance with and upon compliance with the provisions of this Code.
- (b) Enforce and Ensure. The City and its agents will enforce and ensure compliance with the provisions of this Code and will take necessary and appropriate actions to prevent or cease any violations of the provisions of this Code.
- (c) Interpretation and Conflict:
- (1) Minimum Requirements. The standards and provisions of this Code will be interpreted as the minimum requirements necessary for any person to comply with the Code.
 - (2) Private Restrictions. Whenever this Code imposes a higher standard than that required by easements, deed restrictions, covenants or agreements, the provisions of this Code will govern to the extent permitted by law. In the case of a conflict between two standards, the more restrictive will apply.
 - (3) Other Requirements. Wherever this Code imposes a higher standard than that required by any other ordinance or requirement, the provisions of this Code will govern to the extent permitted by law. In cases where state or federal laws supersede the City's requirements, then the applicable state or federal requirements will apply.
 - (4) Higher Standard. If the City Council determines that the condition of a party's development or action of another party violates a higher standard than that required by this Code, the provisions of the applicable state or federal statute will govern.

Section 14.06.002 *Violations.*

- (a) The following will be deemed violations under this Code and constitute sufficient grounds for the City to take enforcement actions and pursue the penalties as specified below:
- (1) Development Without Permit. To engage in any development, use, construction, remodeling, or other activity of any nature upon any area or to make improvements thereon subject to the jurisdiction of this Code without all required permits, certificates, or other forms of authorization as set forth in this Code.
 - (2) Development Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, plat, permit, certificate, or other form of authorization granted by the City for such activity.

- (3) Violation by Actor Omission. To violate, by act or omission, any term, variance, modification, condition, stipulation or qualification imposed by the City Council or its authorized agents upon any required permit, plat, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.
 - (4) Use in Violation. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building, structure, property, or to use any land in violation or contravention of these regulations or any other regulation established under any other applicable legal authority.
 - (5) Continue a Violation. The continuation of any of the above violations is a distinct offense, and each day such violation continues will be considered a separate offense.
- (b) Land Use and Planning Matters.
- (1) Permits. The City will not issue a building permit or certificate of occupancy required by any City ordinance for any land located within the jurisdictional limits to which this Code applies, until and unless the Owner or Developer (Developer) of the property, or its agent, is in compliance with the requirements of this Code.
 - (2) Utilities. The City will not provide or connect City water, sewer, or other utility owned or licensed by the City to any property to which the provisions of this Code apply, unless and until the Owner of the property, or its agent, is in compliance with the provisions of this Code.
- (c) Health and Sanitation Matters.
- (1) Discontinuation of Water Services. Whenever a user has violated or continues to violate any provision of this Code pertaining to water and wastewater infrastructure, an industrial wastewater discharge permit or order issued hereunder, or any other applicable waste pretreatment standard or health and sanitation requirement, water service to the user may be discontinued. Service will only be reconnected, at the user's expense, after the user has ceased the violation and satisfactorily demonstrated and established his ability to comply with this Code.
 - (2) Declaration of a Public Nuisance. A violation of any provision of this Code that is dangerous to human life or health; that renders the ground, the water, the air or any food or drink unwholesome and a hazard to human life and health; that may injure or affect the public health or comfort in any manner; or a violation of a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and illegal, and will be abated by any procedure authorized by law; further, the City will be entitled to recover its damages, attorney fees, and expenses of litigation for enforcement or cessation of such violation.
- (d) Responsible Parties.
- (1) Participants in Violation. The Owner or Tenant of any building, structure, premises,

or any part thereof, and any architect, engineer, builder, contractor, agent or other person who knowingly commits, participates in, permits, assists with or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Code; in addition, each party may also be subject to civil penalties as provided in this Code or applicable law.

- (2) Prosecution. Any person who opposes, obstructs, or resists any City official or any person authorized by the City Council in the discharge of his or her duties as provided by this Code will be in violation of this Code and may be prosecuted for a Class “C” misdemeanor.

ARTICLE 7 - EnforcementSection 14.07.001 *General.*

- (a) Notice of Intent to Suspend or Revoke.
 - (1) Notification. Before the City initiates the process for suspension or revocation of a permit or other form of approval pursuant to this Code, the City Manager or Building Official or another designee of the City Council will give written notice of intent to suspend or revoke via certified mail, return receipt requested. The notice may specify a reasonable time for compliance with this Code.
 - (2) Time for Compliance. If notice of intent is given, suspension or revocation will not occur before the time for compliance has expired.
 - (3) Imminent Threat. The City Manager, Building Official, or another designee of the City Council will not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

Section 14.07.003 *Stop Work Order.*

- (a) The City Manager (or designee), City Inspector, or other City official duly authorized by the City Council may order all work, including site clearing or other site preparation, stopped on any site where a significant violation of this Code or a Subdivision Plat or approved Site Plan is found.
- (b) Failure to Comply. Any person, including a workman on the site, who fails to comply with a stop work order, will be guilty of a misdemeanor, punishable as provided in this Section of the Code.
- (c) Compliance. Upon receiving an application to resume work and a declaration from the Developer that any claimed violations of this Code have ceased and that the Developer is currently in compliance, the City Manager will determine, within ten (10) working days of receipt of said application, whether the work is in compliance.
- (d) Notice to Proceed. If the City Manager determines that the work or site is in compliance, he may authorize the work to proceed in writing.

ARTICLE 8 - PENALTIESSection 14.08.001 *General.*

- (a) Maximum Fine. Except where otherwise provided therein, the maximum fine for violating any provision of this Code, or any ordinance, rule or police regulation that governs fire safety, zoning or public health and sanitation, including dumping of refuse, will not exceed two thousand dollars (\$2,000.00); for all other violations, the maximum fine will not exceed five hundred dollars (\$500.00); provided, however, that no penalty will be greater or less than the penalty provided for the same or a similar offense under the laws of the State.
- (b) Each Day a Separate Offense. Each day any violation of this Code or of any ordinance of the City continues will constitute a separate offense.
- (c) Penalties Are Cumulative. The penalties in this Section will be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.

Section 14.08.002 *Assessment of Expenses.* In addition to any other remedy provided in this Code or any other ordinance of this City and cumulative thereof, the City will have the power by resolution of the City Council to cause any of the work or improvements required to be completed by the Owner, Developer, or Applicant under the provisions of this Code to be undertaken by the City on the account of the owner of the property on which work or improvements are done; and the City will cause the expense thereof to be assessed upon the real estate or lot upon which such expense is incurred and/or will place a lien on said property.

Section 14.08.003 *Land Use and Zoning.*

- (a) Violation of Site Plan. If the City Council finds, after notice and hearing, that a significant violation of an approved Site Plan has occurred, the Council may revoke its approval of such Site Plan. It will be unlawful for any person to perform any work on the site pursuant to the Site Plan unless and until a new application for Site Plan approval has been filed and processed in accordance with the provisions of this Code and the City Council grants approval of a new final Site Plan that remedies the violations of the original Site Plan.
- (b) Violation of this Code. Any person who violates any provision of this Code or any order issued under the authority of this Code, or who causes or permits any such violation, or who fails to perform any act required under this Code, or who performs any prohibited act or takes any action contrary to the Final Plats or Site Plans approved by the City Council, or who fails to take any action required by such approved plat or site plan, will be guilty of a misdemeanor, and, upon conviction thereof, will be punished by a fine of not more than two thousand dollars (\$2,000.00). Each and every day that the violation is committed or permitted to continue will constitute a separate offense and will be punishable as such.

ARTICLE 9 - CIVIL REMEDIESSection 14.09.001 *Civil Action*

- (a) Public Nuisance. In addition to the penalties otherwise provided, any condition caused or permitted to exist in violation of any provision of this Code or any ordinance, which provision is intended for the protection of the public health, safety or welfare, may be determined to constitute a public nuisance and may be abated by the City as provided by law.
- (b) Notification. Prior to taking civil action, the City will notify the defendant of the provisions of the Code that are being violated. Upon initiation of the civil action, the City will demonstrate that the defendant was actually notified of the provisions of the Code; and that after receiving notice, the defendant committed acts in violation of the Code or failed to take action necessary for compliance with the Code.

Section 14.09.002 *Injunction and Other Remedies*.

- (a) Unlawful Structures. Any structure erected or used, or any development that is implemented, contrary to any of the provisions of this Code or to any of the requirements contained in a Final Plat or Site Plan approved by the City Council, is hereby declared to be unlawful and will constitute a violation of this Code.
- (b) Injunction, Mandamus, Abatement or Any Other Action. The City Council may initiate the legal process to obtain an injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate, correct or remove such unlawful structure, use, or development, or otherwise ensure compliance with this Code.

Section 14.09.003 *Civil Penalties*.

- (a) Penalty. Any person who violates any provision of this Code is subject to a civil penalty of up to one thousand dollars (\$1,000.00) and not less than one hundred dollars (\$100.00), or more as permitted by law, for each act of violation and for each day of violation.
- (b) Penalties are Cumulative. The penalties in this Section will be cumulative and not exclusive of any other rights or remedies the City may have.

ARTICLE 10 - FISCAL SURETY AND ASSURANCE OF CONSTRUCTION AND MAINTENANCE

Section 14.10.001 *Payment of Taxes.* The Developer will provide the City Manager with a certified receipt showing that all taxes have been paid in conjunction with the submittal of an application for Final Plat approval or site development permit issuance.

Section 14.10.002 *Letter of Credit or Performance Bond.*

- (a) Financial Security. Before any development or project can proceed, the City Manager must be satisfied that the Developer will be in a financial position to install or cause to be installed at his own cost, risk, and expense, all of the improvements required by this Code.
- (b) Construction of Improvement Prior to Recording Final Plat. If the Developer elects to construct the required improvements prior a Final Plat being approved, the following conditions must be met:
 - i. All such construction will be inspected while in progress.
 - ii. Construction must receive approval upon completion by the City Manager (or designee).
 - iii. A certificate by the City Manager (or designee) that the construction conforms to the plans and specifications and the standards contained in or referred to in this Code must be presented to the City Council by the Developer prior to approval of the Final Plat.
- (c) Construction of Improvement After Recording Final Plat. If the Developer does not elect to construct the required improvements prior to recording of a Final Plat, following issuance of the Site Development Permit, the Developer of a site development will post fiscal surety to assure completion of all construction required under this Code. If the Developer of a subdivision decides or elects to post fiscal surety in lieu of completing construction prior to Final Plat approval, the Developer may utilize one of the following methods of posting fiscal surety. If the Developer elects to post fiscal surety for subdivision or site development related construction, the Final Plat will not be approved or the Site Development Permit will not be issued unless the Developer has done the following:
 - i. Estimate of Total Cost. The Developer's or Professional Engineer will provide the City an estimate of the total cost of all uncompleted or unaccepted improvements as may be required by this Code that is acceptable to the City Manager or his / her designee;
 - ii. Sufficient Fiscal Surety. The City Manager will require sufficient fiscal surety to insure the orderly development within any subdivision or site development in the form of either of the following:
 - 1. A performance bond, or
 - 2. An irrevocable letter of credit, equal to 110 percent of the estimated total cost of the improvements not yet completed and accepted as complete. Such letter of

credit or bonds will be issued by a financial institution authorized to do business in the State of Texas. Furthermore, the financial institution will be reviewed and approved in advance and the letters of credit or bonds will conform to forms or criteria approved in advance by the City Council.

- iii. Securing the Estimated Costs. The fiscal surety will be for the purpose of securing the estimated cost of completing such improvements, should the City find it necessary to complete the improvements in lieu of the Developer. The Developer will complete all such improvements specified or referenced in the subdivision plat or Site Development Permit and the construction plans for the same, within two (2) years from the date of Final Plat approval or Site Development Permit issuance unless granted an extension by the City. Failure to do so will authorize the City to complete the improvements using the fiscal surety provided by the Developer.
- (d) Sale of Lots. It is expressly understood that, as a condition to the approval of said subdivision or site development, no sale of any lot may be completed until all utilities are installed and all other improvements required by this Code are made within the block in which said lot is contained.

Section 14.10.003 *Requirements Prior to Final Acceptance for Maintenance.*

- (a) Written Guarantees and Two-Year Warranty. The Developer will ensure that all of the facilities constructed in accordance with the requirements of this Code will perform and remain in good working order and in accordance with the design performance criteria of each such facility, for two (2) years commencing on the date of approval of final completion by the City Manager or his / her designee. Additionally, prior to final acceptance for maintenance of the completed improvements by the City Manager, the Developer will require any construction contractors with whom he / she contracts for furnishing materials and for installation of the improvements required under this Code, to provide written guarantees to the City, and will himself be required to furnish to the City, a written guarantee, that all workmanship and materials will be free of defects for a period of two (2) years from the date of acceptance by the City Manager. The guarantee will be either of the following:
 - i. Warranty Bond. A two (2) year warranty bond executed by a corporate surety licensed to do business in the State of Texas, conditioned that the improvements are free from defects in materials and workmanship, or
 - ii. Irrevocable Letter of Credit. An irrevocable letter of credit from a financial institution authorized to do business in the State of Texas, and approved by the City Manager, committing funds for the correction and repair of any defects in materials or workmanship.
 - iii. Said bonds or letters of credit will be in the amount of at least twenty (20) percent of the total construction cost.
- (b) Financial Institutions. The financial institution will be reviewed and approved in advance and the letters of credit or bonds will conform to forms or criteria approved in advance by the City Council.

- (c) Assurance Period. The two (2) year assurance period will commence on the date of approval of final completion of the improvements by the City Manager or his designee.

Section 14.10.004 *Acceptance of Improvements*.

- (a) Inspections. During the course of installation and construction of the required improvements, the City Manager (or designee) will make periodic inspections of the work to insure that all improvements comply with the requirements of this Code.
- (b) Record Drawings / As-Builts. Upon completion of installation and construction of all required improvements, the Developer may seek acceptance of all public improvements by the City by submitting the required number of copies of record drawings / as-built plans, in hard copy and digital copy format and a two (2) year maintenance bond as specified in the terms and conditions above.
- (c) Certified Statement by Professional Engineer. In addition, the Developer will provide a certified statement signed by a Registered Professional Engineer that all improvements have been installed and constructed in accordance with the submitted record drawings / as-built plans.
- (d) Acceptance or Rejection. After final inspection, the City Manager will notify the Developer and the City Attorney in writing as to its acceptance or rejection. The City Manager will reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. No release of any posted fiscal surety will occur until the City has formally accepted the constructed improvements that are the subject of such surety.
- (e) Rejection. If the City Manager rejects such construction, the City Attorney will, upon direction of the City Council, proceed to enforce the guarantees provided in this Section of the Code.
- (f) Extension of Time. When good cause exists, the City Manager may extend the period of time for completion. Such extension of time will be reported to the City Council and recorded in the minutes. No such extension will be granted unless fiscal surety, as set forth above, has been provided by the Developer covering the extended period of time.

Section 14.10.005 *Maintenance and Supervision*. Where a subdivision contains wastewater, wastewater treatment facilities, water supply systems, water quality protection facilities, streets and other transportation related improvements, parks and grounds held in common, park and recreation improvements, drainage easements or drainage improvements, landscape improvements or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision will be made, which is acceptable to the City Council, for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities will be presented to the City Manager and approved as to form by the City Attorney prior to the time of Final Plat approval or Site Development Permit issuance and will be filed of record with the plat or permit.