

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), CHAPTER 1 – GENERAL PROVISIONS, CHAPTER 2 – REVIEW AUTHORITY AND PROCEDURES AND CHAPTER 3 – APPLICATIONS AND PERMITS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2019-03, the City Council of the City of Fair Oaks Ranch, Texas (the “City”) adopted a Unified Development Code (“UDC”) consolidating the City’s zoning, subdivision and other development regulations into a comprehensive development code; and

WHEREAS, City Staff and the City’s consultants have reviewed the current UDC in its entirety and have determined that certain revision and updates to, and reorganization of the UDC is necessary to meet changing conditions and changes in state law; and

WHEREAS, after notice required by law and the Fair Oaks Ranch Unified Development Code, the Planning and Zoning Commission held a public hearing on July 13, 2023, regarding said amendments to the UDC, and recommended that certain amendments to Chapter 1 – General Provisions, Chapter 2 – Review Authority and Procedures and Chapter 3 – Applications and Permits, be considered by the City Council for adoption; and

WHEREAS, after notice required by law and the Fair Oaks Ranch Unified Development Code, the City Council held a public hearing on August 17, 2023, regarding said amendments to Chapters 1 - 3 of the UDC; and

WHEREAS, after consideration of the recommendation from the Planning and Zoning Commission, the City Council finds and determines that the proposed amendments are reasonable and necessary and in the best interest of the health, safety, and welfare of the City.

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

- Section 1.** The Chapter 1 – General Provisions, Chapter 2 – Review Authority and Procedures and Chapter 3 – Applications and Permits of the UDC be amended as set forth on Exhibit A hereto and incorporated by reference for all purposes.
- Section 2.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section 3.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.
- Section 4.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

- Section 5.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 7.** That violations of the provisions of this Ordinance shall, upon conviction, be fined as provided in Chapter 12 of the UDC.
- Section 8.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 9.** This Ordinance shall be effective upon the date hereof and any publication required by law.

PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 17th day of August 2023.

PASSED, APPROVED and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 7th day of September 2023.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

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

EXHIBIT A

UNIFIED DEVELOPMENT CODE – CHAPTERS 1 - 3