



PLANNING & ZONING COMMISSION WORKSHOP

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Review of Unified Development Code Amendments related to Statutory and Regulatory Changes and Chapter 4, Section 4.9 Permitted Uses.

MEETING DATE: November 9, 2023

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Carole Vanzant, Assistant City Manager, Community Services
Cynthia Trevino, City Attorney

BACKGROUND:

During the past two years the Planning and Zoning Commission (P&Z) worked with city staff and the city planning consultant, Ardurra, on creating amendments to the 2019 Unified Development Code (UDC). A series of several work sessions were held to discuss the diagnostic findings of the UDC and to gather the P&Z Commission's input on the issues identified. Staff also provided input and recommendations. The process consisted of the following steps:

1. The P & Z Commission began a chapter-by-chapter review and upon completion, final redline and clean versions of a proposed amended UDC were produced.
2. On July 13, 2023, the P&Z Commission held a public hearing on Chapters 1-3. City Council held their public hearing on the UDC Amendments on August 17.
3. On September 7, 2023, after the second reading of the UDC Amendment ordinance for Chapters 1-3, the ordinance was adopted by the City Council. Following the adoption, a public hearing on Chapters 4 and 5 was held by the City Council.

At the conclusion of the public hearing, the City Council made a motion to return the UDC to the P&Z to rework the amendments by first addressing regulatory changes and to provide any recommendations specifically driven by sections needing immediate attention. At the P&Z's September 14th meeting, Mayor Maxton provided the following guidance on advancing the amendments, based on the City Council's approved motion:

- 1st Bring forth regulatory changes inclusive of updates driven by state or federal law and any items needing immediate addressing such as Mixed Use Village Zoning District.
- 2nd Bring forth policy recommendations per topic such as Conservation Development Alternative, Fencing, Setbacks and Landscaping.
- 3rd Any needed proposed language changes to be reviewed at a subsequent workshop.

Tonight's workshop follows the recommendations made by Mayor Maxton. Staff worked closely with the City Attorney to identify the statutory changes. A proposed amended UDC (Exhibit B) was produced along with a summary report of changes (Exhibit A). The pertinent legislative updates affecting the City of Fair Oaks Ranch include:

- The plat filing date is now defined as the date the applicant submits a completed plat application including fees to the city (page 24 of the UDC).
- The City may not control conveyance of property in the manner currently stated in the UDC but can withhold permits until the property owner complies with specific requirements (page 43).
- Revision of vested rights to reflect the requirements of LGC 245 such as projects expire five years or later and permits expire 2 years or later (page 64-65).
- City can no longer regulate specific building material finishes (page 135).

Additionally, staff recognized the need to amend Chapter 4; Section 4.9 – Permitted Uses - Mixed Use Village Zoning District (page 75). It has been amended to state “P* - *Permitted as part of a mixed use development that contains residential and nonresidential components within a single, unified development. The residential component of any type shall not exceed thirty (30) percent of the entire development*”.

At the conclusion of the P&Z review and discussion tonight, the UDC amendments will be presented at the November 16th Council meeting for their review and discussion.

LEGAL ANALYSIS:

Legal reviewed and produced the final proposed November 9, 2023 UDC amendment document.

RECOMMENDATION/PROPOSED MOTION:

N/A