

2-Nov-23

Fair Oaks Ranch UDC Amendments - Summary of Statutory/Regulatory Changes

Page Number	Sections of the Current UDC (2019)	Statutory/Regulatory Change	Reason
7	Section 1.4 (2)	Corrected References to State Law Provisions.	Statutory
9	Section 1.9 (d)	Corrected Statutory Reference.	Statutory
11	Section 2.1 (2)	Amended the automatic void of a permit issued in error.	Legal Clarification
19	Section 3.2 (2) (a), Section 3.2 (2) (b)	Amended verbiage in favor of the use of the term "Public facilities".	Legislative Update: compliance with H.B. 3699
24 & 27	Section 3.4 (3) & 3.5 (3)	Amended Plat Filing Date to the date the applicant submits a completed application. Removed "plat" from the standard review period.	Legislative Update: Pursuant to H.B. 3699
29	Section 3.6 (3b),	Amendments to Annexation Applications	Legal Recommendation: References to LGC 43
43	Section 3.8 (1) (d)	Amended to withhold permits until Final Plat or Development Plat is recorded and public improvements are accepted.	Legal Recommendation
47	Section 3.8 (4) (b) (iv)	Fiscal Security for Final Plat application requirements.	Legislative Update: Pursuant to H.B. 3492
64, 65	Section 4.1 (2)	Revised vested rights section to reflect the requirements of LGC Chapter 245. Projects expire/dormant 5 years or later and Permits can expire 2 years or later.	Statutory: LGC Chapter 245
67	Section 4.5	Removed reference of Future Land Use Map relative to outside city limits	Legal Recommendation: The City may not regulate land use outside its city limits.
68, 69, 92, 93, 94	Section 4.6 (1), Table 5.1 and 5.2	Removed and amended all enforcement for Deeds and HOA restrictions throughout Section 4.6. Removed reference to "Restriction Committees" in Table 5.1 and Table 5.2.	Revised for compliance with current law
71	Section 4.9 (1) and (2)	Clean up of both sections relative to Permitted Uses	Legal Recommendation
86, 87, 88	Section 4.14 (2), (3), (4), and (5) Section 4.14 (5)	Incorporated revisions and additions to conform to S.B. 929 for Nonconforming Uses.	Legislative Update: This section confirms to S.B. 929.
93	Section 5.4 (4)	Flag Lots.	Update to clarify flag lots addressed through a variance process
94	Section 5.6	Dedication of land for future streets or alleys.	compliance with H.B. 3699
129	Section 7.1	Design standards may be applicable to ETJ through agreement or development agreement.	Compliance with LGC Chapter 212.
129	Section 7.3 (b)	Removed verbiage to ensure all applications are considered under objective criteria.	Legal Recommendation: Removed to avoid claim of arbitrary decision making.

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135 - 138	Section 7.5 (5)	Amended section to remove reference to specific exterior building materials.	Compliance with Governmental Code Chapter 3000
155 & 161-163	Section 8.3 (7) & 8.7	Removed language referencing HOA processes and procedures	Legal Recommendation as City does not regulate HOAs
156	Section 8.4 (1)	Water Quality Protection.	Legal Recommendation: LGC 212.003 limits regulations to pumping, extraction and use of groundwater.
163	Section 8.8 (2)	Tree Removal: Added language for compliance with local government codes.	Legal Recommendation: Compliance with LGC 212.905.
167	Section 8.8 (9)	Removed the postponement of the Preliminary Plat process until the Denial of a Tree Plan process is determined.	Legal Recommendation
169	Section 9.2 (5)	Required Improvements: Streets.	Compliance with H.B. 3699.
170, 171	Section 9.2 (9)	Subdivision Maintenance Agreement subsection removed.	Legal Recommendation
171	Section 9.2 (10)	Added Development Manual(s) and Public Works Specification Manual(s) section.	Compliance with H.B. 3699.
193 - 195	Section 9.6 (4) (f)	Removed OSSF subsections.	Legal Recommendation: County regulates OSSF
195	Section 9.6 (4) (g)	Removed Revocation of Permit subsection.	Legal Recommendation: City cannot compel the county to take action for compliance
222	Section 11.1 (2)	Removed "...and within the City's ETJ upon a City approved Development Agreement".	Legal Recommendation: Compliance with federal Law
223	Section 11.1 (2) (b)	Equipment Storage Buildings may be considered commercial and subject to LGC 3000.	Legal Recommendation: Compliance with LGC 3000
232	Section 12.1 (1)	Removed references to Deeds Restrictions.	Legal Recommendation
233-238	Section 12.1, 2 and 3	Removed court processes, amended Right of Entry, and amended penalties	Legal Recommendation
239	Section 12.5 (2) (c)	Surety Requirements.	Compliance with H.B. 3492
239	Section 12.5 (2) (d)	Amended that the city may prohibit the connection to utilities until compliance with City Codes is met vs conveyance control.	Legal Recommendation
240	Section 12.5 (3) (a)	Bonds or Letters of Credit will be 20% of the value as determined by City Engineer or the actual cost.	Compliance with H.B. 3492 - LGC 906.
251	Section 13.2	Amended Fee Schedule to reflect Building Code Fees reauthorization period	Legislative Update: H.B. 1922