

Exhibit B

Screening

Section 4.6 Zoning Districts

(2) Commercial / Mixed Use / Nonresidential Districts

g. Mixed Use Village (MU)

i. Design Standards:

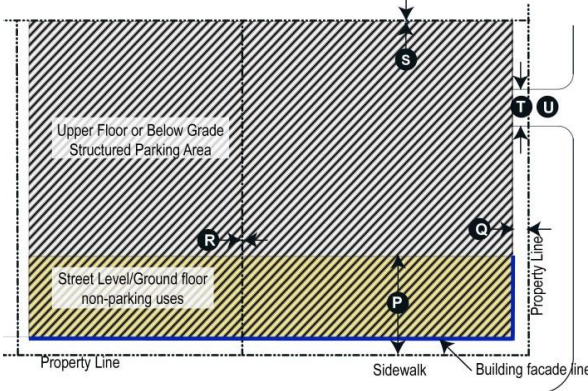
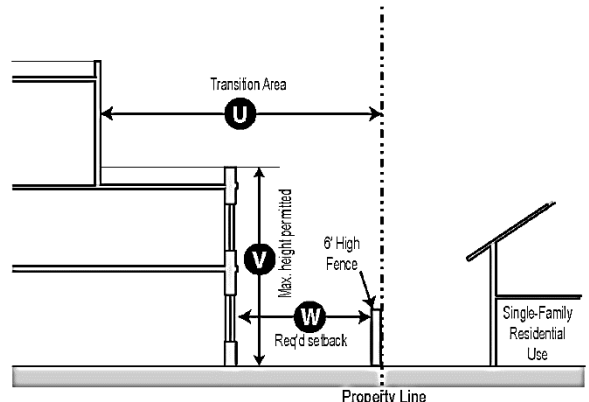
| Structured Parking | | |
|---|--|--|
|  | Primary Frontages | Shall be located behind the principal building; P |
| | Secondary Frontages/ General Frontages | Allowed to be built up to the minimum setback line along that street frontage Q |
| | Side | 5' min. R |
| | Rear | 5' min. S |
| Partially Below and Above Grade Parking | | |
| Allowed to be built up to the building façade line along all streets | | |
| Below Grade Parking | | |
| May be built up to the property line along all street frontages | | |
| Driveways and Service Access | | |
| i. Parking driveway width | Section 6.6 shall apply | T |
| ii. Driveways and off-street loading and unloading standards | Section 6.6 shall apply | U |
| Residential Transition Standards | | |
| The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District | | |
| i. Transition Area | 25' min. | U |
| ii. Max. Building Height within Transition Area | 2 stories or 30' | V |
| iii. Required setback | 10' min. | W |
| iv. A maximum 6' high solid screening fence and an opaque landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided. |  | |

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h. Neighborhood Commercial District (NC)

| Residential Transition Standards | | |
|---|----------|---|
| The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District | | |
| i. Transition Area | 30' min. | U |
| ii. Building Height within Transition Area | 25' max | V |
| iii. Required setback | 20' min. | W |
| iv. A maximum 6' high solid screening fence and an opaque landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided | | |

i. Community Facilities District (CF)

| Residential Transition Standards | | |
|---|----------------------|---|
| The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District | | |
| a. Transition Area | 30' min. | U |
| b. Building Height within Transition Area | 2 stories or 25' max | V |
| c. Required setback | 20' min. | W |
| d. A maximum 6' high solid screening fence and an opaque landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided. | | |

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Section 4.10 Conditional Uses

(3) Bed and Breakfast

A bed and breakfast establishment is permitted in accordance with Table 4.2 and subject to the following standards:

- a. A maximum of five guest rooms may be provided in any one bed and breakfast establishment.
- b. No food preparation, except beverages, is allowed within individual guest rooms.
- c. 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.
- d. The operator shall keep a current guest register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- e. Bed and breakfast establishments in any residential district shall be subject to the following additional standards:
 - i. 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.
 - ii. No exterior evidence of the bed and breakfast shall be allowed, except for one attached sign which meets the requirements of Chapter 10, Signs. No additional outdoor advertising of any kind is allowed on site.
 - iii. There must be adequate parking with one off-street space for ~~each guest 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 masonry screening fence, or an opaque landscaping screen ~~dense shrubs and vegetation~~.

(5) Auto Vehicle Related Sales and Service Establishment

An Auto and Vehicle Related Sales and Service Establishment is permitted in accordance with Table 4.2 and subject to the following standards:

- a. 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.
- b. 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.
- c. 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.
- d. Outdoor display of vehicles shall be set back a minimum of fifty (50) feet from all lot lines abutting residentially zoned or developed property.
- e. Setback areas shall be configured to prevent access by vehicles.
- f. Open space along the perimeter of the required buffer yard shall be landscaped in accordance with City development regulations.
- g. Portable buildings on site are prohibited.
- h. 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.

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- i. 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 ([Reference section 7.7 Design Standards “Screening Standards”](#)).
- j. The bay doors to the garage shall not be oriented toward the public right-of- way.

Section 6.4 General Standards

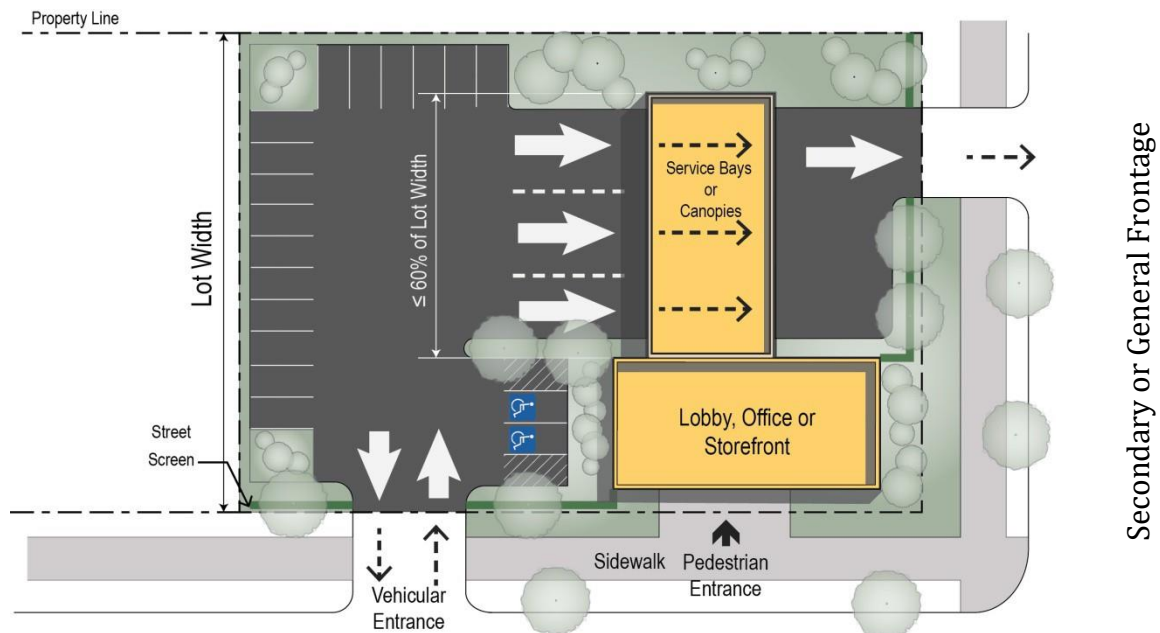
(1) Building Frontages

- a. Building Frontage Designations: 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 UDC, all Building Frontages are classified into one of the following three (3) categories:
 - i. 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.
 - ii. 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, [fence](#), or with an [opaque](#) landscape [screening fence](#). Secondary Frontages are designated on the Zoning Map.
 - iii. 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 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).

Section 7.5 Building Design Standards

(9) Design of Automobile Related Building and Site Elements

- a. Where permitted under Chapter 4, Zoning Districts and Use Regulations of this Code, drive-through lanes, auto service bays, and gas station canopies for commercial uses shall not be located with frontage along any Primary Frontage. Drive-through lanes may be permitted along Secondary Frontages only if the property has no General or alley frontage. Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3-foot-high Street Screen along both Secondary and General Frontages (see Figures 7- 9 to 7-11). The Street Screen shall be made up of (i) ~~an opaque landscape screen~~ ~~a living screen~~ or (ii) a combination ~~of~~ ~~an opaque landscape screen~~ ~~living~~ and primary building material screen.
- b. No more than 60 percent of a lot's frontage along a Secondary Frontage may be dedicated to drive through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along General Frontage, alley frontages and along highway frontage roads.



Primary or Secondary Frontage

Figure 7-9-Image illustrating the appropriate design of auto-related site elements

(Gas stations, auto-service uses, and bank drive-throughs)

- c. Any automobile related retail sales or service use of a site or property with Primary or Secondary Frontage designation shall have a primary building entrance along its Primary Frontage. A primary building entrance may be along a building's Secondary Frontage only if the site has no Primary Frontage designation.
- d. Drive through access (driveways only) may be from a Primary Frontage only if the lot has no access to any Secondary Frontage, General or Highway access road frontage. Drive-through access may be from a Secondary Frontage only if the lot has no access to any General

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or Highway access road frontage. In cases where drive through access is provided from a Primary Frontage, a joint access easement shall be required to adjoining properties providing alternative access to a Secondary or General Frontage. (See Figures 7- 9 to 7-11).

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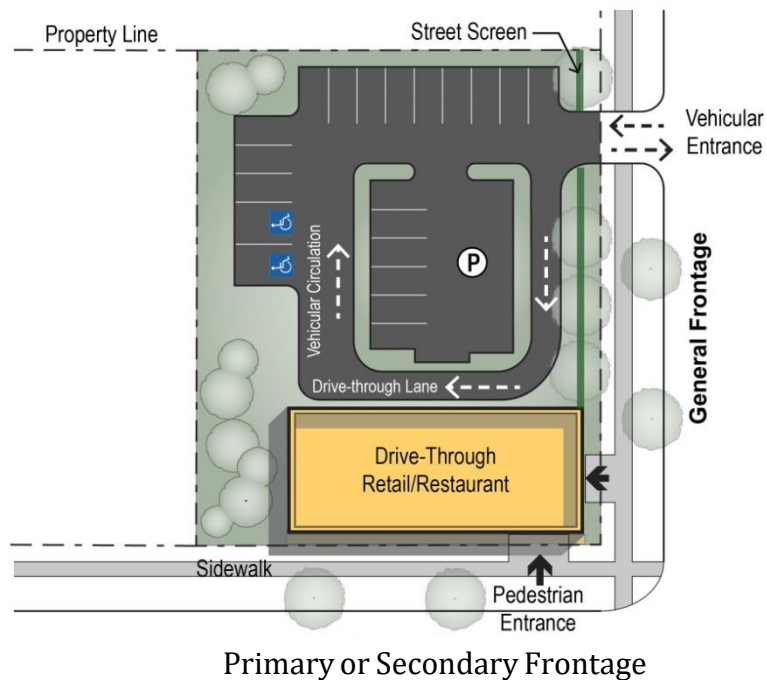


Figure 7-10 Image illustrating the appropriate design of retail/restaurant drive-throughs (Corner Lot)

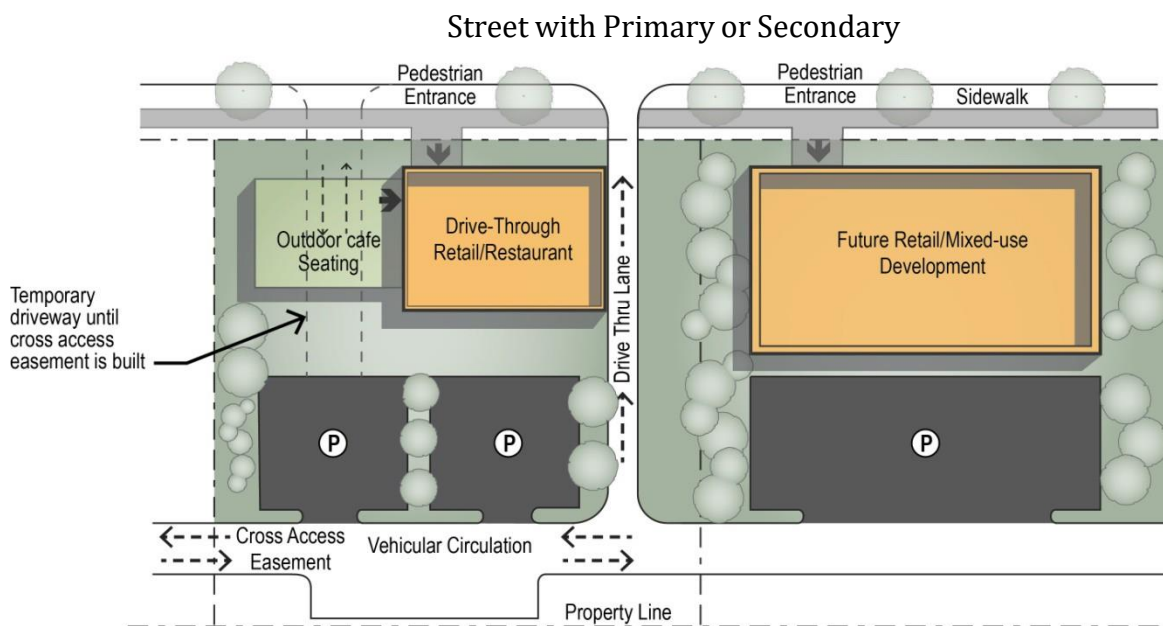


Figure 7-11 Image illustrating the appropriate design of retail/restaurant drive throughs (Interior Lot)

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- e. All off-street loading, unloading, and trash pick-up areas shall be located along alleys or General Frontages only unless permitted in the specific building form and development standards in this code. If a site has no General frontage or Alley access, off-street loading, unloading, and trash pick-up areas may be permitted along a Secondary Frontage.
- f. All of off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment. The Street Screen shall be made up of (i) an opaque landscape screen ~~a living screen~~ or (ii) a combination of an opaque landscape screen living and primary building material screen.

Section 7.6 Screening Standards

(1) Street Screen Required.

Any frontage along all streets (except alleys) with surface parking in the setback zone shall be defined by a 3-foot-high Opaque Landscape Street Screen (see Figure 7-16). Furthermore, along all streets (except alleys), service areas shall be screened in such a manner that the service area shall not be visible to a person standing on the property line on the far side of the adjoining street (see Figure 7-17). Required Street Screens shall be of one of the following:

- a. The same building material as the principal structure on the lot or
- b. A vegetative screen composed of shrubs planted to be opaque at maturity, or
- c. A combination of the two.
- d. Species shall be selected from the Approved Plant List, found in Appendix B. The required Street Screen shall be located at the minimum setback line along the corresponding frontage.
- e. Street Screens cannot block any required sight triangles along a cross street or driveway.
- f. Street Screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.

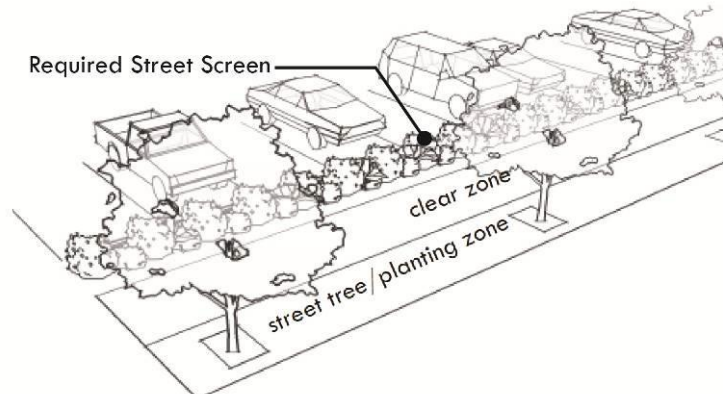


Figure 7-16 Illustration showing required Street Screen along all frontages with surface parking in the setback zone.

(2) Screened Outside Devices

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All A/C units, HVAC systems, exhaust pipes and stacks, elevator housing, satellite dishes and other such devices will be screened from view from the public street by walls, fencing, roof elements, penthouse-type screening devices, or opaque landscape screening.

- a. Ground Floor Mechanical Equipment and Ground Floor Storage. Ground floor mechanical equipment and ground floor storage solid waste storage and disposal equipment and containers (including recycling containers) will be screened from public view. Enclosures for solid waste storage and disposal equipment and containers will be constructed of masonry, as defined in this code, on three (3) sides with access gates on the fourth (4th) side to allow collection. The access opening will be a minimum of twelve (12) feet, with an additional 10 feet required for each additional dumpster. The enclosure will be expanded to include any additional solid waste storage and disposal equipment and containers added to an existing development, including an increase in the size of the containers. Enclosures and container pads must meet specifications of the City of Fair Oaks Ranch.
- b. Equipment or Machinery. Transformers, HVAC equipment, lift stations, utility meters (where possible), other similar equipment or machinery, and garbage collection points, will be located at the rear of the building and will be buffered by opaque landscape screening or fencing.
- c. Service Areas. Screening and landscaping will prevent direct views of loading docks, outdoor storage areas, solid waste storage and transfer facilities, recycling facilities, and other service areas and their driveways from adjacent properties and from the public right-of-way. It will also prevent spillover glare, noise, or exhaust fumes.
- d. Screening of Roof Mounted Equipment. All roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street (see Figure 7-17). The screening material used shall be the same as the primary exterior building material used.

Section 11.1 Purpose and Applicability

(1) Purpose.

The purpose of this Chapter is to further an overall plan for the enhancement of public safety, consistent with the City of Fair Oaks (City) Comprehensive Plan, community development, preservation of property values and the general welfare of the City while providing for the communication needs of the residents and businesses in the City of Fair Oaks Ranch. This Chapter will also govern the placement of communication facilities to:

- a. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
- b. Encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal;
- c. Encourage co-location on both new and existing antenna facilities;
- d. Encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, opaque landscape screening, and innovative stealth techniques; and
- e. Enhance the ability of wireless telecommunication providers to provide services to the community effectively and efficiently.

(2) Applicability/General Regulations

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- b. Equipment Storage Building. An Equipment Storage Building associated with an Antenna Facility or an Antenna will be screened and landscaped as described in other sections of this ordinance, or be incorporated into the stealth treatment so that it is consistent and complementary with the existing structures and uses on the premises. All Equipment Storage Buildings or cabinets must be constructed with materials as provided for in Texas Government Code, Chapter 3000. The base of all tower facilities must be screened with a solid fence or an opaque landscape screen ~~masonry wall~~ that will completely screen the Equipment Storage Building.

Section 11.2 Antennas

(3) Satellite Antennas Greater Than One Yard in Diameter

- a. Zoning.
 - i. Nonresidential Zoning Districts. Satellite Antennas greater than one (1) yard in diameter is an accessory use permitted in nonresidential zoning districts.
 - ii. Residential Zoning Districts. Satellite Antennas greater than one (1) yard in diameter are only allowed in residential zoning districts upon the approval of a Special Exception granted by the City Council.
- b. Compliance. A Satellite Antenna greater than one (1) yard in diameter is permitted as an accessory use under the following conditions:
 - i. Height. Satellite Antennas greater than one (1) yard in diameter will not exceed ten (10) feet in height above the base of their mount.
 - ii. Location. Satellite Antennas greater than one (1) yard in diameter cannot be erected in any required setback or in the front of residential structures.
 - iii. Screening. Satellite Antennas greater than one (1) yard in diameter that are mounted on the ground will be screened from view from adjoining properties by solid fencing or opaque landscape screening ~~evergreen plants~~ to a height of at least six (6) feet.

Section 13.2 Words and Terms Defined.

On-Premises Sign. See Signs, On-Premises

On-Site Sewage Facility (OSSF). An on-site sewage system capable of complying with the current rules and regulations of the state

Opaque Landscaping. Established vegetation that cannot be seen through or is not transparent throughout the year.

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.

Conservation Development Alternative

Section 8.3 Conservation Development Alternative

(2) Design Criteria

- c. ~~Maximum Number of Lots-Lot Size and Density.~~ In order to incentivize Conservation Development, larger areas of contiguous conservation area and encourage the implementation of LID principles a density bonus is allowed. The allowed number of lots is calculated by taking the total net lot area (not including ~~streets and ROW's streets, ROW and common areas~~) and multiplying it by the maximum gross density dividing it by the ~~Conservation Alternative Minimum~~ in Table 8.1. Each lot in a Conservation Development shall meet the minimum lot size specified in Table 8.1 and ~~There is no individual lot size minimum using the Conservation Development but the lots~~ shall conform to the base zoning setback requirements.

Table 8.1 Conservation Development Alternative Lot Size and Density Incentive

| Zoning District | Neighborhood Residential | Rural Residential |
|--|---|---|
| <u>Maximum Gross Density</u> Conventional Lot Size Minimum | <u>1.1 lots per acre-1 Acre</u> | <u>0.3 lots per acre-5 Acre</u> |
| <u>Minimum Lot Size</u> Conservation Development Alternative Minimum | <u>0.5-acre .75 Acre</u> (blended average) | <u>1.75-acre 3.75 Acre</u> (blended average) |

- d. ~~Density and Open Spaces Calculation-Gross Density:~~

Gross density shall be calculated by dividing the ~~total gross acreage in the development (including developable and undevelopable land)~~ by the number of proposed lots. number of proposed lots in the development by the total net lot area (not including streets, ROW and common areas). For example, a hypothetical 100-acre tract in the rural residential area with a net lot area of 80 acres would be able to be developed into 16 ~~5 ac lots with 0 ac of protected open space.~~ With the Conservation Development Alternative, the net lot area of 90 acres, requires less area dedicated to streets and could be built to have 22 total clustered lots of which 27 acres of the 90 acres is protected conservation area. ~~(Minimum of 30 percent of the site as protected conservation areas)~~

- i. Traditional zoning. Assuming 20 percent of the tract is designated for streets, right of way and common areas, the remaining 80 acres is the net lot area. Since the rural residential district requires lots to be a minimum of five acres, the development is limited to 16 lots.

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- ii. Conservation Development Alternative. Since lots will be clustered, it is assumed that only 10 percent of the tract is designated for streets, right of way and common areas. The remaining 90 acres is the net lot area. Multiplying the net lot area (90 acres) by the maximum gross density (0.30 lots per acres) results in 27 lots allowed. If 40 percent of the net lot area (36 acres) is set aside as Conservation Area, the remaining 54 acres is the buildable area. The average lot size would be two acres (54 acres divided by 27 lots), with no lot smaller than 1.75 acres. The increased number of allowed lots may incentivize a developer to set aside the large Conservation Area.

(5) Standards to Determine Open Space and Buildable Area

- a. Buildable Area. The buildable area is the ~~gross net lot area~~ (excluding streets, ROW and/or common areas) of the Conservation Development tract minus the protected Conservation areas.
- b. 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~~40 percent of the total ~~buildable area net lot area (excluding streets, ROW and/or common areas)~~ of the Conservation Development. The following ~~are~~ should be considered for inclusion in the Conservation Area. ~~s and are required to be included within the protected Conservation Area, unless the Developer demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this Code:~~

Subdivision Design – Street Frontage

Section 5.4 Lots

(1) Minimum Lot Size:

- a. Lots Served by a Public Water and Wastewater System. All lots in a subdivision within the corporate limits of the City or within the City's extraterritorial jurisdiction (ETJ) which are served by a Public Water and a Public Wastewater System will have no minimum area, except the applicable regulations outlined in Chapter 4, Zoning Districts and Use Regulations, of this Code.
- b. Lots Served by a Private Well or OSSF. Lots in a subdivision within the corporate limits of the City or within the City's ETJ which are served by either individual private wells and public Wastewater Systems, or Public Water Systems and private on-site sewage facilities disposal systems (OSSF), will have a minimum street frontage of 150 feet except lots within a cul-de-sac or knuckle-sac which will have a minimum street frontage of 100 feet. The total lot area will be required to be greater than 1 acre.
- c. Lots Served by a Private Well and OSSF. Lots in a subdivision within the corporate limits of the City or within the City's ETJ which are served by individual private wells and private on-site sewage disposal systems will have a minimum street frontage of 200 feet except lots within a cul-de-sac or knuckle-sac which will have a minimum street frontage of 100 feet. The total lot area will be required to be greater than 217,800 square feet (5 acres).

Subdivision Design – Block Length

Section 5.5 Blocks

Block Length and Character

Table 5.2 Block Length and Character

| Zoning District | Mixed Use Village | Neighborhood Commercial | Community Facilities | Logistics | Existing Residential | Neighborhood Residential | Rural Residential |
|------------------------|---|-------------------------------------|-------------------------------------|-------------------------------------|----------------------|---|-----------------------------------|
| Block Length | 600' Maximum and no more than 400' without a midblock pedestrian connection | 500' Maximum | 1000' Maximum | 1000' Maximum | *See Note | 1,200' 800' Maximum | No Maximum |
| Block Character | Rectilinear and/or connected blocks | Rectilinear and/or connected blocks | Rectilinear and/or connected blocks | Rectilinear and/or connected blocks | *See Note | Rectilinear or curvilinear connected blocks | Rectilinear or curvilinear blocks |

* Note: Block Length and Block Character for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations. The City does not enforce private deed restrictions or HOA regulations.

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Site Development Applications - Plat Waiver
Table 3.1: Summary of Review Authority

| Permit or Application | Within City Limits | Within ETJ | | Pre-application Conference | Administrative Review | Planning and Zoning Commission | Zoning Board of Adjustment | City Council | Appropriate County |
|--|--------------------|------------|--|----------------------------|-----------------------|--------------------------------|----------------------------|--------------|--------------------|
| POLICY RELATED APPLICATION PERMITS | | | | | | | | | |
| Comprehensive Plan Amendment | + | + | | O | O | O | | X | |
| UDC Text Amendment | + | | | O | O | O | | X | |
| Special Use Permit | + | | | O | O | O | | X | |
| Zoning Map Amendment (Zoning or Rezoning) | + | | | O | O | O | | X | |
| Planned Unit Development | + | | | O | O | O | | X | |
| Conservation Development Alternative (CDA) | + | | | O | O | O | | X | |
| Annexation | | + | | O | O | | | X | |
| Concept Plan (if required) | + | | | O | O | O | | X | |
| Development Agreement | + | + | | O | O | O | | X | |
| PROPERTY DEVELOPMENT RELATED APPLICATIONS AND PERMITS | | | | | | | | | |
| Zoning Verification Letter | + | | | | X | | | | |
| Letter of Regulatory Compliance | + | + | | | X | | | | |
| Appeal of Administrative Decision (Zoning) | + | + | | | | | X | | |
| Appeal of Administrative Decision (All others) | + | + | | | | | | X | |
| Special Exception | + | + | | | O | | X | | |
| Policy Variance (Standards that are not required in the UDC and are Non-zoning related development standards or other city wide policies.) | + | + | | O | O | O | | X | |
| Judicial Variance (zoning-related development standards of this Code required by the UDC, ex. Setbacks, Building Frontage, Landscaping, Parking, etc. that are not related to or required for platting or subdivision approvals) | + | | | O | O | | X | | |
| Plat waivers/ Subdivision Variance (Waivers of the standards required for plat approval and are contained in the Subdivision regulations during the plat process) | + | + | | | O | O | | X | |
| Floodplain Development Permit | + | + | | | X | | | | |
| Master/Common Sign Plan | + | + | | | X | | | | |
| Sign Permit | + | + | | | X | | | | |
| Relief from Signage (Variance) | + | + | | | O | | X | | |
| Master Signage Plan | + | + | | | X | | | | |
| Appeal of Denial of Sign Permit | + | + | | | O | | X | | |
| Temporary Use Permit | + | + | | | X | | | | |
| On-site Wastewater (OSSF) Permit | + | + | | | | | | | X |
| Building Permit | + | | | O | X | | | | |
| Certificate of Occupancy | + | | | | X | | | | |
| Group Living Operating License | + | | | O | X | | | | |
| SUBDIVISION RELATED APPLICATIONS | | | | | | | | | |
| Minor Plat | + | + | | O | X | | | | |
| Amending Plat | + | + | | | X | | | | |
| Replat | + | + | | O | O | O | | X | |
| Development Plat | + | + | | O | O X | O | | X | |
| Preliminary Plat | + | + | | | O | O | | X | |
| Final Plat | + | + | | | O | O | | X | |
| Construction Plan | + | + | | | X | | | | |
| + - Applicable; X - Final Action; O - Review/Recommendation In the event of a conflict between this chart and the applicable written text, the written text will control. | | | | | | | | | |

Section 3.6 Public Hearing and Notice

(3) Published Notice

a. With the exception of annexation applications, the following notice provisions are applicable to submitted applications. At least 16 days before the date of the hearing before the governing body, the City Manager (or designee) will cause to be published public notice in an official newspaper or a newspaper of general circulation in the municipality and on the municipality's website. The notice will contain notice of the time and place of the hearing and a description of the item to be considered or reviewed and if applicable, will include the notice language provided in LGC § 211.006, as amended. If notification of a public hearing before the Planning and Zoning Commission is required to be published, publication of the hearing before the Planning and Zoning Commission and the City Council may be done concurrently.

(5) Posted Notice

The applicant will be responsible for posting a 24-inch-long by 48-inch-wide notice on the property affected or along the rights-of-way frontage of the subject property affecting multiple properties in a format approved by the City Manager (or designee) not less than fifteen (15) days prior to the scheduled public hearing. Posted notice for annexation will follow state law provisions.

Section 3.8 Subdivision and Property Development Related Applications

(7) **Plat** Waivers

Waivers of the standards required for plat approval are not considered variances and must be requested during the plat submittal and review process. The Commission may recommend to City Council the approval, approval with conditions, or disapproval of plat waivers. ~~of the standards required for plat approval, by using the criteria for consideration of Variances in Section 3.9. The request for waivers will be approved prior to approval of Plats.~~

- a. Representative Applicability.
 - i. Lot Dimensions
 - ii. Plat Notes
 - iii. Easement Dimensions
 - iv. Lot Street Frontage Width
 - v. Block Length
 - vi. Cul-de-sac dimensions
- b. For plat components or features not listed in Section 3.8 (7) (a), the City Manager or designee shall have the authority to determine if a request is a plat waiver or a variance.
- c. Criteria for plat waiver review:
 - i. Granting of the waiver will not be detrimental to public health, safety, or welfare, or injurious to other property in the area
 - ii. Generally conforms to the Comprehensive Plan
 - iii. Will not result in the need for additional waivers and/or variances
 - iv. Will not create an undue hardship for adjacent property owners
 - v. Remains compliant with state and federal requirements and associated agencies
 - vi. Will not result in creating an undevelopable lot

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- d. Responsibility for Final Action. The City Council is responsible for final action on all plat waivers.

Section 3.9 Site Development Related Applications

(9) Variance

- a. Applicability:
- i. Judicial Variance. The Zoning Board of Adjustment will have the authority to hear and grant requests for a Variance or exception to the zoning-related development standards of this Code.
 - ii. Policy Variance. The City Council will have the authority to hear and grant requests for a Variance from all other development standards upon the recommendation of the Planning and Zoning Commission.
 - ~~iii. Waivers of plat approval standards. Waivers of the standards required for plat approval are not considered Variances and must be requested from the Planning and Zoning Commission and then the City Council during the plat review process. These waivers must be approved prior to approval of the plat.~~
 - iv. Minimum or Maximum Measurement. Any Variance request up to ten (10) percent of any minimum or maximum measurement required by this Code may be treated as a Special Exception as per Section 3.9 of this Unified Development Code
 - v. Precedent. A Variance to the development standards of this Code will be considered an exception to the regulations contained herein. Granting of a Variance in one case does not set a precedent for a subsequent case. Each Variance request will be judged on its own merit based on subparagraph (b) below.

Section 4.6 Zoning Districts

(1) Residential Districts

All residential development shall adhere to applicable development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development Standards, as well as other applicable standards found in this UDC.

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~~1.75 acres using the Conservation Development Alternative ~~Minimum in Section 8.3~~ 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 is appropriate primarily for direct access to Local Rural Residential streets. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

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~~0.5 acres using the Conservation Development Alternative ~~Minimum in Section 8.3~~

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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 is appropriate primarily for direct access to Local Connector streets, Local Neighborhood Residential streets and Rural Residential streets. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

c. Existing Residential 1 (R1)

The Existing Residential 1 (R1) category governs the densest existing residential types with lot sizes generally under 0.3 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

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. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

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. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

f. Existing Residential 4 (R4)

The Existing Residential 4 (R4) category governs existing rural oriented neighborhoods with lot sizes generally greater than 5 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

Table 4.2 Uses

Section 4.9 Permitted Uses

(1) Use Table

The following table (Table 4.2) reflects the uses permitted within each zoning district. 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 UDC.
- b. Some uses require supplemental regulations in addition to the other applicable regulations of this UDC. Uses indicated by (P/C) is permitted by right and **approval by the City Council is not required**, provided that it meets the *conditional* use standards found in Section 4.9, as well as the other applicable regulations of this UDC.
- c. A Special Use Permit (S) is allowed **only if approved by City Council** in accordance the standards found in Section 3.7.
- d. Not Permitted (NP)

(2) Unlisted Uses

For uses not listed, the City Manager ~~(or designee) shall use the descriptions found in Chapter 13: Definitions to determine how an unlisted use should be treated. Additional criteria for uses not listed:~~

- ~~a. A new and unlisted use may be interpreted by the City Manager (or designee) as similar to another listed use and treated in the same manner as that listed use.~~
- ~~b. If the City Manager (or designee) finds that the use is not substantially similar to a listed use, an amendment to the UDC shall be required as per Section 3.6 to add such a use to the Land Use Matrix.~~
- ~~c. Any decision of the City Manager (or designee) may be appealed according to the process outlined in Section 2.3.~~

Table 4.2: Use Table

| Zoning District | Mixed Use Village | Neighborhood Commercial | Community Facilities | Logistics | Existing Residential | Neighborhood Residential | | Rural Residential | Open Space ¹ | <u>Parking</u> |
|--|-------------------|-------------------------|----------------------|-----------|----------------------|--------------------------|--|-------------------|-------------------------|--|
| <u>Residential</u> | | | | | | | | | | |
| Single family residential residence | P | NP | P | NP | P | P | | P | NP | <u>2 spaces per dwelling unit</u> |
| Accessory residential unit (mother-in-law suite, granny flat, cottage, Garage apt.), <u>see Sec. 4.11.004.</u> | P | P | P | P | P | P | | P | NP | <u>1 space per each additional dwelling unit</u> |
| Single-family attached/ duplex/ patio home/ townhome/ Multi-Unit Home (3-4 Units) | P* | P | P | P | P/C | NP | | NP | NP | <u>2 spaces per each dwelling unit</u> |

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| Zoning District | Mixed Use Village | Neighborhood Commercial | Community Facilities | Logistics | Existing Residential | Neighborhood Residential | | Rural Residential | Open Space ¹ | <u>Parking</u> |
|--|-------------------|-------------------------|----------------------|------------|----------------------|--------------------------|--|-------------------|-------------------------|--|
| Manufactured housing | NP | NP | NP | P/C | NP | NP | | NP | NP | 2 spaces per each dwelling unit |
| <u>Townhome/Multi-unit building (3-4 units)</u> | <u>P*</u> | <u>P</u> | <u>NP</u> | <u>P</u> | <u>P/C</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | 1 space per one-bedroom unit, 2 spaces per two-bedroom unit, additional space or every room thereafter |
| Multi-family residential/ <u>condominium</u> (5 or more units) | P* | NP | NP | NP | NP | NP | | NP | NP | 1.5 for each studio, one or two-bedroom unit; 2 for each 3-bedroom unit |
| Transitional housing | S | S | S | S | S | S | | S | NP | 1 for each on duty or resident care provider and 1 for each bedroom |
| <u>Child care: family home childcare (registered and listed)</u> | P/C | P/C | P/C | NP | S | S | | S | NP | 2 spaces per residential use plus 1 space for drop off/pick up |
| Home occupation | P | P | P | P | P | P | | P | NP | 2 spaces per each dwelling unit |
| Community or group homes | P/C | P/C | P/C | P/C | P/C | P/C | | P/C | NP | 1 for each on duty or resident care provider and 1 per residents |
| <u>Older adult group home care (residential care home)</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | | <u>P/C</u> | <u>NP</u> | 2 spaces per dwelling unit |
| <u>55+ Older community or facility (retirement community)</u> | <u>P/C</u> | <u>NP</u> | <u>P/C</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | 1 for each dwelling unit |

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| Zoning District | Mixed Use Village | Neighborhood Commercial | Community Facilities | Logistics | Existing Residential | Neighborhood Residential | | Rural Residential | Open Space ¹ | <u>Parking</u> |
|---|-------------------|-------------------------|----------------------|---------------------------|----------------------|--------------------------|--|-------------------|-------------------------|---|
| <u>Commercial</u> | | | | | | | | | | |
| Hotel (45 or fewer rooms) | P | NP | NP | NP | NP | NP | | NP | NP | <u>.75 space per guest room; all other areas, such as conference space shall be parked at 1 space per 300 sf of usable building area.</u> |
| Hotel (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 | <u>1 space per guest room</u> |
| Veterinary service | P | NP | NP | NP <u>P</u> | NP | NP | | NP | NP | <u>1 space per 300 sf of usable building area</u> |
| Commercial stable/boarding | NP | NP | S | S | S | S | | S | NP | <u>1 space per 300 sf of usable building area</u> |
| Sexually oriented business | NP | NP | NP | P | NP | NP | | NP | NP | <u>1 space per 300 sf of usable building area</u> |
| Pet supply animal sales or service <u>such as food, supplies, boarding, grooming, sitting, and training (excluding veterinary)</u> | P | NP | NP | P | NP | NP | | NP | NP | <u>1 space per 300 sf of usable building area</u> |
| Pet sales | P | NP | NP | NP | NP | NP | | NP | NP | <u>1 space per 300 sf of usable building area</u> |
| Childcare: day care facility-center, group day care, or preschool | P/C | P/C | P/C | NP | NP | NP | | NP | NP | <u>2 spaces per employee</u> |
| Retail sales or service with no drive through facility | P | P | NP | NP | NP | NP | | NP | NP | <u>1 space per 300 sf of usable building area</u> |
| Retail sales or service with drive through facility (includes retail with associated fuel sales) | P/C | NP | NP | NP | NP | NP | | NP | NP | <u>1 space per 300 sf of usable building area</u> |

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| Zoning District | Mixed Use Village | Neighborhood Commercial | Community Facilities | Logistics | Existing Residential | Neighborhood Residential | | Rural Residential | Open Space ¹ | <u>Parking</u> |
|--|-------------------|-------------------------|----------------------|------------|----------------------|--------------------------|--|-------------------|-------------------------|---|
| <u>Office</u> | | | | | | | | | | |
| <u>Health clinic/medical office</u> | <u>P</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 for each 300 sf of usable building area</u> |
| General office, business, professional | <u>P</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 300 sf of usable building area</u> |
| <u>Business association or professional membership organization</u> | <u>P*</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>4 space per 200 sf of usable building area</u> |
| <u>Restaurants/Food</u> | | | | | | | | | | |
| <u>Bar (such as a tavern, wine boutique, cocktail lounge, pub, icehouse, beer joint, saloon, and cabaret)</u> | <u>S</u> | <u>S</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 200 sf of usable building area</u> |
| Brewpub (restaurant with auxiliary: brewery, distillery, or winery) | <u>P</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 200 sf of dining area, 1 per 1000 sf of manufacturing area</u> |
| Food service <u>uses</u> such as <u>a</u> full-service restaurant, cafeteria, <u>bakeries-catering bakery, catering</u> and snack bar with no drive through facilities | <u>P</u> | <u>P</u> | <u>NP</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 200 sf of usable building area</u> |
| Commercial/ Office with no drive through facility | <u>P</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 300 sf of usable building area</u> |
| Commercial/ Office with drive through facility | <u>P</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 300 sf of usable building area</u> |
| <u>Recreational</u> | | | | | | | | | | |
| <u>Outdoor recreation and entertainment facility</u> | <u>P/C</u> | <u>S</u> | <u>S</u> | <u>P/C</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 for each 800 sf of outdoor recreational area</u> |
| <u>Entertainment</u> , Indoor amusement and recreation such as theater, cinema, dance hall, arcade, bowling alley, skating rink, or music venue | <u>P/C</u> | <u>NP</u> | <u>NP</u> | <u>P/C</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 200 sf of usable building area</u> |
| Fitness, recreational sports, gym, athletic club, dance or yoga studio | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | | <u>NP</u> | <u>NP</u> | <u>1 space per 300 sf of usable building area</u> |
| <u>Golf course</u> | | | | | | | | | | <u>3 spaces per hole, plus additional spaces required for</u> |

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| | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | <u>P</u> | <u>accessory uses</u> <u>(restaurant, bar,</u> <u>pro shop)</u> |
|--|--------------------------|--------------------------------|-----------------------------|------------------|-----------------------------|---------------------------------|--|--------------------------|-------------------------------|--|
| Zoning District | Mixed Use Village | Neighborhood Commercial | Community Facilities | Logistics | Existing Residential | Neighborhood Residential | | Rural Residential | Open Space¹ | <u>Parking</u> |
| Park, green space, plaza, square, or playground | P | P | P | P | P | P | | P | P | <u>To be determined by the City Manager or designee based on use and location</u> |
| <u>Industrial</u> | | | | | | | | | | |
| Brewery, distillery, or winery | NP | NP | NP | P | NP | NP | | NP | NP | <u>1 space per 500 sf of usable building area</u> |
| Auto and vehicle related sales and service establishment | NP | NP | NP | P/C | NP | NP | | NP | NP | <u>1 for each 300 sf of usable building area</u> |
| Commercial food, textile and product manufacturing | NP | NP | NP | NP | NP | NP | | NP | NP | <u>1 space per 500 sf of usable building area</u> |
| Heavy manufacturing that may produce hazardous waste | NP | NP | NP | NP | NP | NP | | NP | NP | <u>1 space per 500 sf of usable building area</u> |
| Miscellaneous light manufacturing (manufacturing processes that do not create hazardous waste) | NP | NP | NP | P | NP | NP | | NP | NP | <u>1 space per 500 sf of usable building area</u> |
| Warehouse and self-storage | NP | NP | NP | P/C | NP | NP | | NP | NP | <u>1 space per each employee or 1 space per 1,000 sf of usable building area, whichever is greater</u> |
| Climate controlled self-storage | P/C | NP | NP | P/C | NP | NP | | NP | NP | <u>1 space per each employee or 1 space per 1,000 sf of usable building area, whichever is greater</u> |
| <u>Miscellaneous</u> | | | | | | | | | | |
| Art, antique, museum, furniture or gallery (retail, <u>incidental</u> repair or artisanal fabrication) | P | P | NP | P | NP | NP | | NP | NP | <u>1 space per 300 sf of usable building area</u> |
| Hospital and nursing establishment | P | NP | P | NP | NP | NP | | NP | NP | <u>1 for each 1.5 beds</u> |

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| | | | | | | | | | | |
|--|--------------------------|--------------------------------|-----------------------------|------------------|-----------------------------|---------------------------------|--|--------------------------|-------------------------------|---|
| Social, fraternal and philanthropic organization | P | P | P | P | NP | NP | | NP | NP | <u>1 space per 200 sf of usable building area</u> |
| Zoning District | Mixed Use Village | Neighborhood Commercial | Community Facilities | Logistics | Existing Residential | Neighborhood Residential | | Rural Residential | Open Space¹ | <u>Parking</u> |
| Public administration uses (including local, state, and federal government uses, public safety, health and human services) | P | P | P | P | NP | NP | | NP | NP | <u>1 for each 300 sf of usable building area of offices</u> |
| Funeral home | | | | | | | | | | <u>1 space every 2.25 people on site at one time</u> |
| | P/C | NP | NP | NP | NP | NP | | NP | NP | |
| Transportation services (air, rail, road, truck and freight) | NP | NP | NP | P | NP | NP | | NP | NP | <u>As required per the service</u> |
| Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.) | S | S | S | S | S | S | | S | NP | <u>As required per the utility</u> |
| Utility facility (electric, natural gas, alternative) | P/C | P/C | P/C | P/C | P/C | P/C | | P/C | NP | <u>As required per the utility</u> |
| Parking, structured | P | NP | NP | NP | NP | NP | | NP | NP | |
| <u>Park maintenance facility</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | <u>P/C</u> | | <u>P/C</u> | <u>P/C</u> | <u>To be determined by the City Manager or designee based on use and location</u> |
| Religious institutions | <u>NP P</u> | <u>NP P</u> | P | P | <u>NP P</u> | <u>NP P</u> | | <u>NP P</u> | <u>NP P</u> | <u>1 space every 2.25 people on site at one time</u> |
| <u>Kindergarten, elementary and middle school, library, or community/civic facility</u> | P | NP | P | NP | NP | NP | | NP | NP | <u>1 space every 400 square feet of classroom area</u> |
| <u>High school, university and college, technical, trade, or specialty school</u> | P | NP | P | P | NP | NP | | NP | NP | <u>1 space every 200 square feet of classroom area</u> |

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

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Table 4.2 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 UDC and the Comprehensive Plan of Fair Oaks Ranch.

P* - Permitted as part of a mixed-use development that contains both residential and nonresidential components within a single unified development. The residential component shall not exceed thirty (30) percent of the total area (square feet) of all land uses in the entire single unified development or lot as applicable. A single unified development shall be considered as the area, or lots shown on an approved concept plan. If no concept plan exists, then this maximum residential component percentage shall be calculated per lot. The total area of the land uses in a development calculation shall include the gross area inside all buildings, including all floors, and any outdoor areas associated with land uses (i.e. outdoor dining areas).

[Refer to Section 6.7 for additional parking standards.](#)

Conditional Uses

Section 4.10 Conditional Uses

(2) 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 UDC. 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.

(3) Alcohol Sales or Liquor Store

Alcohol Sales or Liquor Store is permitted in accordance with Table 4.2 and subject to the following standards:

- a. Alcohol sales shall be prohibited within 300 feet of a church, public or private school.
- b. 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.
- c. 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.
- d. 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, as amended.
- e. Alcohol Sales or Liquor Store shall conform to all applicable regulations of the State of Texas, and the applicable County.

(4) Bed and Breakfast

A bed and breakfast establishment is permitted in accordance with Table 4.2 and subject to the following standards:

- a. A maximum of five guest rooms may be provided in any one bed and breakfast establishment.
- b. No food preparation, except beverages, is allowed within individual guest rooms.
- c. 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.
- d. The operator shall keep a current guest register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- e. Bed and breakfast establishments in any residential district shall be subject to the following additional standards:
 - i. 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.
 - ii. No exterior evidence of the bed and breakfast shall be allowed, except for one attached sign which meets the requirements of Chapter 10, Signs. No additional outdoor advertising of any kind is allowed on site.

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- iii. There must be adequate parking with one off-street space for ~~each guest 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 masonry screening fence, or an opaque landscaping screen-dense shrubs and vegetation.

(9) Childcare

- a. General Child Care. Day-Care. Day care use is permitted in accordance with Table 4.2 and subject to the following standards:
 - i. ~~All-day child~~ care facilities shall meet the minimum state requirements for such facilities and shall be registered with the State of Texas.
 - ii. Day-Child care facilities are permitted subject to state regulations and the restrictions in this section.
 - iii. 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.
- b. Registered Family Home Child Care. Registered family home child care use is permitted in accordance with Table 4.2 and subject to the following standards:
 - i. 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.
 - ii. Number of employees: A family home childcare facility may employ only residents of the premises, including all paid and unpaid care providers.
 - iii. Signs: Signage shall be in accordance with the regulations specified in Section 10.4 of this UDC and for the district in which the facility is located.
 - iv. 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.
- c. Listed Family Home Care. Listed family home child care use is permitted in accordance with Table 4.2 and subject to the following standards, except for permit holders receiving subsidies from the Texas Workforce Commission:
 - i. Number of children: A listed, nonregistered family home child care, may provide care to up to three (3) children at a time. The list of children cannot exceed (twelve) 12 children including unrelated and related children scheduled to be cared for. Each child must be cared for a minimum of 4 hours a day, three or more days in a week, for three or more consecutive weeks, in the primary caregiver's home.
 - ii. Number of employees: Must meet the Texas Workforce Commission requirements.
 - iii. Signs: Signage shall be in accordance with the regulations specified in Section 10.4 of this UDC and for the district in which the facility is located.
 - iv. 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

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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.

- d. Group Day Care ~~Home~~. Group day care ~~home~~ use is permitted in accordance with Table 4.2 and subject to the following standards:
 - i. 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.
 - ii. Separation: Group Day Care ~~home~~ care cannot be located in residentially zoned areas.
 - iii. Number of Employees: A maximum of two (2) non-resident employees may work at group day care ~~home~~.
 - iv. Signs: Signage shall be in accordance with the regulations for the district where the facility is located.
- e. Day Care Center. Day care center use is permitted in accordance with Table 4.2 and subject to the following standards:
 - i. 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.
 - ii. Separation: Day Care Centers cannot be located in residentially zoned areas.
 - iii. 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.

(10) Senior ~~Older~~ Adult Group Home Care

- a. Number of Residents: A Senior Adult Group Home Care shall provide regular live-in care for two to four (2-4) adults that are 55+ in age and must meet the Housing for Older Persons Act (HOPA) law criteria as described in "subsection 16." below.
- b. 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.
- c. Number of Employees: A maximum of two (2) non-resident employees may work at Senior Adult Group Home Care home.
- d. Signs: Signage shall be in accordance with the regulations for the district where the facility is located.

(11) 55 + Older Community or Facility

- a. According to the Housing for Older Persons Act (HOPA), each of the 3 criteria below must be met:
 - i. 80% of the units/homes must have at least one (1) resident aged 55 or older (80/20 rule).
 - ii. The community has to create, publish, and follow policies that show its intent to house residents age 55 and older.
 - iii. The community must follow HUD's age verification rules. This can mean enacting procedures to verify a resident's age.
- b. A larger scale retirement community would need a PUD or Master Plan to review parking spaces, density, services, amenities, and location of buildings on the lot.

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(14) Funeral Homes

- a. 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.
- b. All funeral homes must be properly licensed by the Texas Funeral Service Commission.

(15) Single Family Residential Attached/ Duplex/Patio Home

- a. Permitted only on Lots that have current or previous use within the past 365 consecutive days as a single-family attached residential dwelling; or,
- b. 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.

(16) Recreational Maintenance Facilities

Park maintenance facilities are permitted by right in all zoning districts provided that the following conditional use standards are met:

- i. Permitted only on lots that have current or previous use (within the past 12 months) as a Park maintenance Facility; or
- ii. City approval of a written plan from the user demonstrating how the operations will not adversely impact residential uses within 1,000 feet.

Trees

Section 8.8 Tree and Habitat Protection

(1) Purpose and Intent

The purpose of this section is to conserve, protect and enhance existing healthy and safe trees and natural landscape. It is recognized that the preservation of existing trees contribute to the overall quality and environment of the City. Trees can and do contribute to the process of purification, oxygen, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provide wildlife habitat and enhance property values. ~~Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.~~

(2) Applicability and Exemptions

- a. Applicability. The provisions of this Section are applicable to the following:
 - i. New Development. All new residential and nonresidential development within the City limits or its extraterritorial jurisdiction.
 - ii. Redevelopment. Redevelopment of any ~~residential or~~ nonresidential property within the City limits or its extraterritorial jurisdiction which results in an increase in the building footprint or the total destruction and reconstruction.
 - iii. All tree removal regulations are subject to the provisions of Local Government Code section 212.905. State law will control, in the event of any conflict between the regulations of this section and state law provision.
- b. Permitting Exemptions. The following areas are exempt from the tree removal ~~permitting~~ requirements of this section but are subject to the mitigation requirements identified in this section:
 - i. Building Footprint. Trees located within, and within ten feet (10') of, the building footprint;
 - ii. Access. Areas necessary for the minimum required site access; and
 - iii. OSSF. Trees located within the area of a proposed on-site sewage facility (OSSF)
 - iv. Right-of-way. Trees located within a right-of-way to be dedicated to and maintained by the City; and
 - v. Easements. Trees located within any utility easement
 - vi. State law exceptions.
- ~~c. Preservation Exemptions. The following areas are exempt from the preservation requirements of this section:
 - i. ~~Right of way. Trees located within a right of way to be dedicated to and maintained by the City; and~~
 - ii. ~~Easements. Trees located within any utility easement~~
 - iii. ~~State law exceptions.~~~~

(3) Removal or Destruction of Tree(s)

It will be unlawful for any person to remove, destroy, or cause the removal or destruction of any tree that has a tree circumference (TC) 28 inches or larger (Protected Tree) and which is located on property pursuing new development, a plat, or infrastructure improvements within the city limits or ETJ without submitting a Tree Plan to City Staff and receiving approval. ~~Failure to comply with this section will result in increased tree mitigation fees as per fee schedule. A Heritage Plan is~~

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~~required to be reviewed and approved by the Planning and Zoning Commission and City Council prior to any construction activity that is likely to endanger a Heritage Tree, TC 75 inches or larger. The tree trunk circumference is measured at diameter of breast height (DBH), or four and a half (4 ½) feet, as detailed by the Texas Forest Service.~~

(4) Damaged Tree(s)

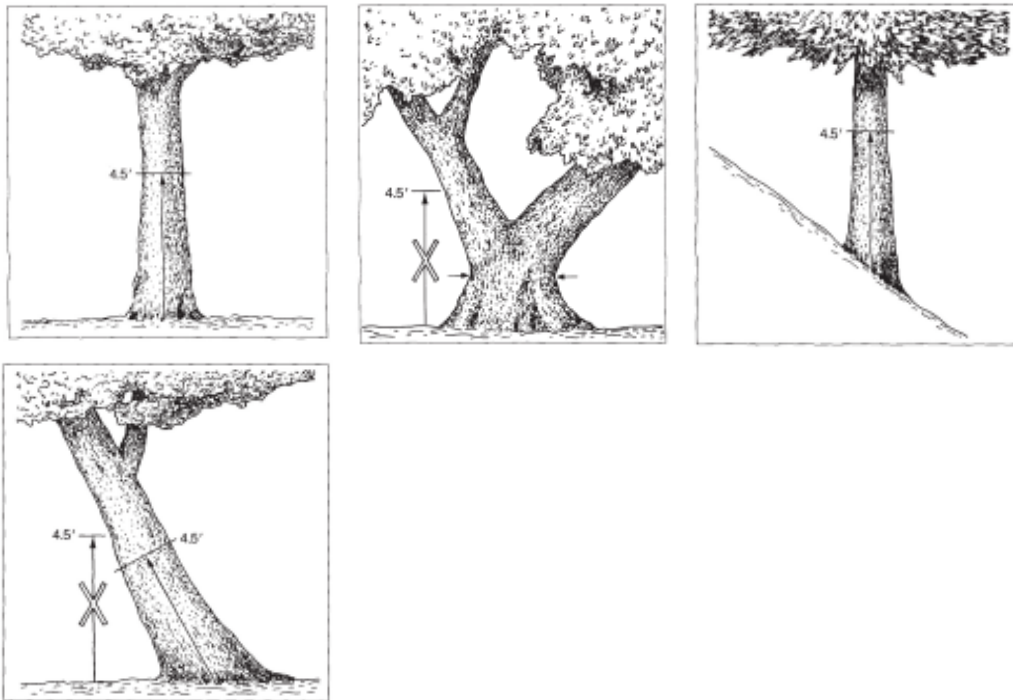
- (5) If a tree is diseased, dead, or has sustained damage that creates an immediate hazard to life or property, the City Manager (or designee) may not prohibit approve the removal of such tree. In addition, the removal of dead or diseased tree may be removed with a written statement from a professional service or arborist.

(6) Tree Plan

a. Types. This Section is applicable to the following types of trees:

- i. Protected Tree - A Protected Tree is defined as a tree with a minimum TC of 28 inches and a maximum TC of 74.9 inches.
- ii. Heritage Tree - A Heritage Tree is defined as a tree with a minimum TC of 75 inches or larger.

b. Measurement. The tree trunk circumference is measured at Diameter of Breast Height (DBH) or four and a half (4 ½) feet above ground, as detailed by the Texas A&M Forest Service.



- c. ~~For new construction on a tract, a Tree Plan identifying the location, species, circumference, and approximate canopy coverage of all healthy trees, that have a TC 28 inches or larger when measured at DBH. A Tree Plan is required to be recommended by the Planning and Zoning Commission and approved by City Council prior to the commencement of construction activity if any Heritage trees are to be removed.~~
- d. A Tree Plan shall meet the following requirements:
- i. For construction on a tract, a Tree Plan identifying the location, species, circumference, and approximate canopy coverage of all trees, that have a TC 28 inches or larger when

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measured at DBH shall be submitted.

- ~~ii. For properties pursuing new development, expansion, plat approval, or infrastructure improvements, a Tree Plan shall be submitted prior to or in conjunction with the Preliminary Plat or site development permit application. However, no site development permit shall be approved prior to approval of a Tree Plan.~~
- ~~e. A Tree Plan may be submitted prior to or in conjunction with Preliminary Plat or Site Development Permit applications.~~
- f. A Tree Plan ~~will~~ shall designate all Protected and Heritage trees proposed for removal and will describe the measures proposed to protect the remaining trees during the development of the property. The plan will also describe in detail the efforts made to preserve Heritage Trees and explain why a Heritage Tree is proposed for removal. The Tree Plan ~~will~~ shall also reflect that all proposed tree removal will be done in accordance with the City's Oak-wilt Control Ordinance, Article 1.07.2 the City's Code of Ordinance.
- g. Replacement of trees is required and is described below in Section 8.8(7)b & c. The Tree Plan shall include a planting diagram to show where new trees will be planted.
- h. The Tree Plan will also require the developer or property owner to provide a tree preservation warranty to the City, which shall obligate the then owner of the property to replace any tree (or trees) reflected on the tree survey and which are the subject of the warranty. The term of the warranty shall be two (2) years from the date that a building permit is filed for building construction projects or two (2) years from the date construction is commenced for infrastructure improvements related to development projects. Each tree that is covered by a tree preservation warranty must be identified on the tree plan. If any tree is required to be preserved and which is the subject of a tree preservation warranty shall die during the term of the tree preservation warranty, the tree shall be replaced in accordance with the provisions of this Code. The City may require such owner to replace a tree (or trees) that has died at any time during the term of the tree preservation warranty, and, if such owner fails to replace the tree within ninety (90) days of the city's written request to replace same, the city at its sole option may refuse to issue any new building permits, accept any development application, or accept any infrastructure improvements from such owner. Nothing in this subsection shall exclude any and all remedies otherwise provided by law. The seller of property subject to a tree preservation warranty shall provide a copy of the warranty and attached tree survey to prospective buyers.

~~(7) Heritage Plan~~

- ~~a. For new construction on a tract, a Heritage Tree Plan identifying the location, species, circumference, and approximate canopy coverage of all healthy trees, that have a TC 75 inches or larger when measured at DBH.~~
- ~~b. A Heritage Plan must be submitted to the City, reviewed by City Staff, and voted on by the Planning and Zoning Commission before a Preliminary Plat or Site Development Permit is forwarded to City Council. It must be approved by the City Council before a Final Plat is approved.~~
- ~~c. A Heritage Plan may be submitted before or in conjunction with platting or Site Development Permit applications.~~
- ~~d. A Heritage Plan will designate all Heritage Trees proposed for removal, and any Heritage Trees whose health is likely to be threatened by construction activity. The plan will also describe in detail the efforts made to preserve Heritage Trees and explain why a Heritage Tree is proposed~~

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~~for removal. The Heritage Plan will also reflect that all proposed tree removal will be done in accordance with the City's Oak-wilt Control Ordinance, Article 1.07.2 the City's Code of Ordinance.~~

~~e. Replacement of trees is required and is described below in Section 8.8(7)c. The Heritage Plan shall include a planting diagram to show where new trees will be planted.~~

~~f. As stated in Section 8.8 (5)e., a warranty is required for all trees TC 28 inches or larger and shall apply to Heritage Trees.~~

(7) Removal and Mitigation Criteria

a. Removal by Right. Protected Trees, including Heritage Trees, located within 10 feet of the perimeter of the proposed building footprint, the area over an OSSF, areas necessary for site access, or within areas designated for the construction or installation of public facilities such as streets or utilities may be removed at the discretion of the applicant, provided that the terms of Sections 8.8(7)b-c. (below) are satisfied;

b. Removal and Mitigation of Protected Trees. Developers of land are encouraged to preserve protected trees whenever possible. An applicant may remove Protected Trees if approved mitigation is provided. ~~Generally speaking,~~

- i. ~~m~~Mitigation shall be at a 1:1 ratio for TC inches to be removed.
- ii. Mitigation shall not allow planting of *Quercus Buckleyi* (Red Oak) Tree Species
- iii. The applicant may plant smaller trees to replace Protected Trees, provided that no tree smaller than TC 8 inches is generally allowed, and that the total tree coverage on the lot (as measured in TC inches) is approximately the same as pre-development conditions.
- iv. In cases where soil, slope, lot size, or other natural constraints make replacing the same number of TC inches unfeasible, the City Manager (or his designee), may, at their sole discretion, allow some or all of the mitigation to take place on a separate, public site within the City, or on lands owned by an association that operates and maintains trails, open space, or parkland within the City and that are usable by residents of the general area where the applicant's land is located.
- v. ~~In addition, t~~The City Manager at their sole discretion, (or designee) may allow mitigation by payment of fee for some or all of the Protected Trees to be removed, ~~if the City's fee schedule includes a provision for Fee In Lieu of Replacement Trees.~~

c. Removal and Mitigation of Heritage Trees.

- i. Heritage Trees may not be removed during construction, except under certain specific circumstances:
 1. If the tree is sick or diseased and meets the criteria laid out in Section 8.8(4); or
 2. If the tree is within the footprint as described in Section 8.8(7)a; or
 3. if the removal is approved by the City Council after consideration by the P&Z, with a formal recommendation from the P&Z to the Council on whether to approve the removal.
- ii. If any Heritage Trees are planned for removal, they must be identified and clearly marked on the Heritage Plan. The Heritage Plan must also identify any Heritage Trees that are likely to be endangered by construction activity which might sever or compress the root zone, or otherwise threaten the health and life of the tree, as determined by a reasonable person. The City Council may grant removals under Section 8.8(7)c.i-3 (above) at its sole discretion. In considering whether to allow the removal of Heritage Trees, the City Council shall consider whether removal is absolutely necessary to allow the applicant to meet

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reasonable, investment-backed expectations for use of the property, and whether such use can be accomplished while preserving Heritage Trees.

- iii. If any Heritage Tree removals are granted, the applicant shall meet all the mitigation and replacement conditions outlined in 8.8(7)b. (above), except that any decisions delegated to the City Manager in that paragraph shall be made by the City Council.

(8) Protection of Trees During Construction

All protected trees next to an excavation site or a construction site for any building, structure, or street work will be guarded with a good substantial fence, frame, or box not less than 4 feet high and surrounding the entire protected zone of the tree(s). Barriers will be approved by the City Engineer, or his / her designee, and will be in place before any site clearance or other site-disturbing act commences. Developer to bear burden of watering/ sustained growth of impacted existing trees and new replacement trees indicated on Tree Plan. The protection barrier will also include the following:

- a. Location. The protection zone ~~shall be based on latest TXDOT Tree Protection Details. should be located a minimum of one (1) foot per tree for each TC 3.1-inch of the tree -- for example, 10 feet from a tree with an average TC 31 inch~~
- b. Building Materials. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials will be kept outside the barrier.
- c. Term. Barriers will remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the Certificate of Occupancy (CO) and/or Final Acceptance is issued.

(9) Denial of Tree Plan

The denial by City Staff of a Tree Plan may be appealed to the City Council if the request for appeal is submitted at least 10 days before the next scheduled meeting after the applicant is notified of the Tree Plan denial. The appeal will be heard at ~~the next~~ a regularly scheduled City Council meeting.

(10) Exclusions

The proposed removal of *Celtis Occidentalis* (Hackberry), *Melia Azedarach* (Chinaberry) and *Ligustrum spp.* (Ligustrum) are excluded from the requirements of this Section. The proposed removal of *Juniperis Ashei* (Common Ashe Juniper or Cedar), *Juniperus Virginiana* (Eastern Red Juniper or Cedar) and *Prosopis spp.* (Mesquite), which are TC 48 inches caliper in size or smaller are also excluded from the requirements of this Section.

(11) Penalties

Any violation of this Section is subject to penalty in accordance with Section 12, Compliance and Enforcement, of this Code.

Signs

Section 10.1 Purpose, Applicability and Effect

(2) Applicability and Effect

- a. Applicability. A sign may be erected, placed, established, painted, created, or maintained in the City ~~or ETJ~~ only in conformance with the standards, procedures, exemptions, and other requirements of the Section.
 - i. In addition to applicable City ordinance requirements, signage standards may be regulated through private deed restrictions and owners are strongly encouraged to review their deed restrictions before beginning a sign permit. The City does not enforce private deed restrictions or HOA regulations.
 - ii. Signs to be in a Master Signage Plan are not subject to these sign provisions but shall conform with the established sign standards adopted with the signage plan.
 - iii. This chapter does not regulate official traffic signs or other government signs located within the public right-of-way, unless it is a city facility then this chapter applies.
- b. Effect. The effect of this Section as more specifically to do the following:
 - i. Permit System. Establish a permit system to allow a variety of types of signs in Mixed Use Village, Neighborhood Commercial, Community Facilities and Logistics zones and a limited variety of signs in other zoning districts ~~or ETJ~~, subject to the standards and the permit procedures of this Chapter;
 - ii. ~~No Permit Required. Allow signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without requirements for permits;~~
 - ii. Exempt Signs. Allow signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter;
 - iii. Temporary Signs. Provide for temporary signs ~~without commercial messages~~ in limited circumstances;
 - iv. ~~Prohibited Signs. Prohibit all signs not expressly permitted by this Chapter; and~~
 - v. Variance. Under unique circumstances, the variance process is as follows in Chapter 3 Section 3.9 (14) Relief from signage regulations.
 - vi. Enforcement. Provide for the enforcement of the provisions of this Chapter.
- c. Penalties. See Chapter 12 Compliance and Enforcement of the UDC. Any person, firm, association of persons, corporation, or other organization violating any of the provisions of Chapter 10 will be guilty of an offense under this Chapter and will be subject to penalty as defined in Chapter 12, Compliance and Enforcement, of this UDC.

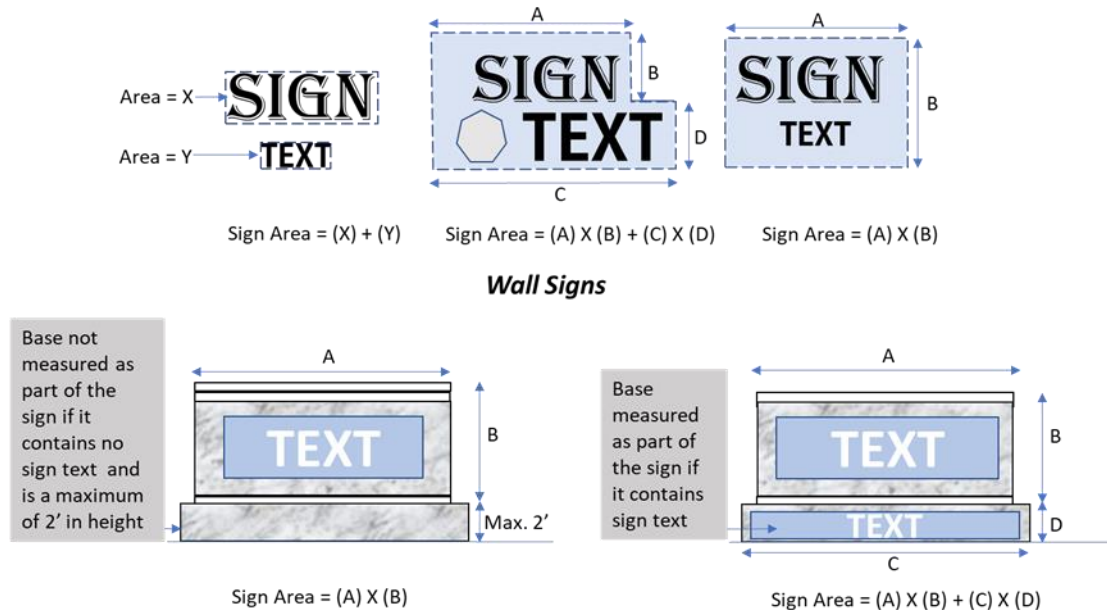
Section 10.2 Calculations

(1) Calculation of Sign Sizes

- a. Area of a Sign.
Wall Sign: The area of a sign will be calculated by means of the total square foot of the sign area the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

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Monument Sign/Free Standing Sign: The area of a sign will be calculated based on the total square foot of the sign area including any supporting framework, ~~bracing, or decorative fence or wall~~ when ~~such such fence or wall framework~~ otherwise meets this Code ~~regulations~~ and is ~~clearly~~ incidental to the display ~~itself~~. If the base of the sign does not contain any text and does not exceed a maximum height of two feet (2'), the area of the base will not be included in the calculation of the sign area.



Monument/Freestanding Signs

Figure 10.1 – Sign Area Calculation

- b. **Area of Multifaceted Signs.** The sign area for a sign with more than one face will be calculated by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area will be calculated by the measurement of one of the faces.
- c. **Height.** The height of a sign will be calculated as the vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade will be construed to be the finish grade at the lowest point the sign support intersects the ground. of the following:
 - i. ~~Existing Grade. Existing grade prior to construction, or~~
 - ii. ~~Newly Established Grade. The newly established grade after construction, exclusive of any filling, berming, bounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height will be calculated on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the top of a curb or a public street or the grade of the land at the principal structure on the lot, whichever is lower. ; except that in the Interstate Corridor, height will be measured from the IH-10 Roadway surface.~~

(2) Calculation of Maximum Total Permitted Sign Area for a Lot

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The permitted ~~sum of the area of all each type individual~~ of sign ~~on a lot will shall~~ be calculated ~~by applying the formula contained in~~ as per Table 10.12, Section 10.10 Sign Matrix, “Maximum Total Sign Area per Lot by Zoning District,” to the Lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. The allowable maximum ~~will shall~~ be the greatest of the areas calculated, ~~per Matrix Table 10.1 by the formula~~. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage, ~~with signs facing a maximum of two streets; however, the total sign area that is oriented toward a particular street may not exceed the portion of the lot’s total sign allocation that is derived from the lot, building, or wall area frontage on that street.~~

Section 10.3 General Requirements Sign Permits

(1) Permits Required

- a. Sign Requiring Permit. If a sign requiring a permit under the provision of this Chapter is to be placed, constructed, erected, or modified on a lot either within the City limits or the City’s extraterritorial jurisdiction (ETJ), the Owner of the lot will obtain a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 10.3(4) below.
- b. Signs in ETJ. Signs located in the ETJ are to be regulated by the sign development standards applied to comparable uses of similar businesses (see Table 10.1 ~~below~~) within the city limits under the following conditions:
 - i. Businesses ~~and Non-Single Family Residential Properties~~ on ~~FM-3351 IH-10~~. Businesses with frontage on ~~FM-3351 IH-10~~ must comply with the sign regulations described in the Logistics Zoning District.
 - ii. ~~Other~~ Businesses ~~and Non-Single Family Residential Properties not located on FM-3351 used for non-single family residential uses~~ in the ETJ must comply with sign regulations described in the Mixed Use Village and Neighborhood Commercial Zoning Districts.
 - iii. ~~Other Locations: Single Family Residential. All other locations Properties used for single family residential uses~~ within the ETJ must comply with sign regulations described in the Rural Residential Zoning Districts.
- c. Public Right-of-Way. No signs will be erected in the public right-of-way except in accordance with ~~this chapter Section 10.3(6), below~~.
- d. Compliance. No sign permit of any kind will be issued for an existing or proposed sign unless such sign complies with the requirements of this Chapter (including those protecting existing signs) in every respect and with the Master or Common Signage Plan in effect for the property, if applicable.

(2) General Permit Procedures

The following procedures will govern the application for, and issuance of, all sign permits under this Chapter, and the submission and review of ~~Common Signage Plans and~~ Master Signage Plans:

- a. ~~Applications Permits~~. All ~~applications for~~ sign permits of any kind and ~~for approval of including~~ a Master ~~or Common~~ Signage Plan will be submitted to the City Manager (or designee). See Chapter 3, Applications and Permits.
- b. Fees. Fee for a sign permit or for approval of a Master ~~or Common~~ Signage Plan will be submitted at the time of ~~the permit application submittal issuance of the permit~~. Fee amounts will be established by the City Council by ordinance.
- c. Completeness. The City Manager (or designee) will review all applications for sign permits or for a Master ~~or Common~~ Signage Plan for completeness. If the City Manager (or designee) finds that it is complete, the application will then be processed.

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If the City Manager (or designee) finds that it is incomplete, the City Manager (or designee) will, within such ten-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the Chapter.

- d. Action on Permit. After the submission of a complete application for a sign permit, the City Manager (or designee) will either:
 - i. Accept. Issue the sign permit, if the sign(s) that is/are the subject of the application conforms in every respect with the requirements of this Chapter and of the applicable Master ~~or Common~~ Signage Plan; or
 - ii. Reject. Reject the sign permit if the sign(s) that is/are the subject of the application fails in any way to conform to requirements of this Chapter and the applicable Master ~~or Common~~ Signage Plan. In case of a rejection, the City Manager (or designee) will specify in the notice of rejection the sections of the Chapter or applicable plan with which the sign(s) is/are inconsistent.
- ~~e. Action on Master/Common Signage Plan. On any application for approval of a Master or Common Signage Plan, the City Manager (or designee) will either:~~
 - ~~i. Approve. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with requirements of this Section, or~~
 - ~~ii. Reject. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of the Section. In case of a rejection, the City Manager (or designee) will specify in the notice of rejection the sections of this Chapter with which the plan is inconsistent. The City Manager (or designee) will take action on or before the following dates as applicable:~~
 - ~~1. Fourteen (14) days after the submission of a complete application for existing buildings; or~~
 - ~~2. On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.~~
- e. Appeal of Denial of Sign Permit. Appeals of the City Manager (or designee) decision shall be in accordance of Chapter 3, and must be filed in the City Manager (or designee) in writing within 10 calendar days of that action.

(4) Sign Permits

- a. Signs on Private Property. Signs will be allowed on private property in the City or its extraterritorial jurisdiction in accordance with, and only in accordance with, Table 10.1 "Permitted Signs by Type and Zoning District." Sign Matrix.
- b. Approvals. A sign indicated as "Permit Required" in a zoning district is allowed only with issuance of a permit approval. A sign that does not meet either criterion in this code a zoning district is not allowed under any circumstances.
- ~~c. Zoning Districts. The following zoning districts are identified for the purpose of these tables:~~
 - ~~i. Mixed Use Village,~~
 - ~~ii. Neighborhood Commercial,~~
 - ~~iii. Community Facilities~~
 - ~~iv. Logistics,~~
 - ~~v. Existing Residential,~~

Exhibit B

- ~~vi. Neighborhood Residential, and~~
- ~~vii. Rural Residential~~
- c. Conditions. Although permitted under the previous paragraph and Table 10.1, a sign will be allowed only under the following conditions:
 - i. Sign Area. The area of the sign conforms to the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 10.1 ~~2~~.
 - ii. Size, Location, and Number. The size, location and number of signs on the lot conforms to the requirements of Tables 10.1, ~~10.2, and 10.3. In residential districts, freestanding sign requirements apply to entire subdivisions. Building sign requirements apply to residential buildings having accessory uses.~~
 - iii. ~~Sidewalk Signs. Sidewalk signs will only be allowed by permit in the Mixed Use Village and Neighborhood Commercial Districts and will adhere to the following conditions:~~
 - ~~1. Sidewalk signs will not exceed four feet in height.~~
 - ~~2. Sidewalk signs must be placed directly in front of the business for which the sign is advertising.~~
 - ~~3. Sidewalk signs must be removed when the business is closed.~~
 - ~~4. Sidewalk signs must allow for a minimum of four feet of clearance as per American Disabilities Act (ADA) standards.~~
 - ~~5. Prior to issuance of a sidewalk sign permit, applicants must submit an executed indemnification form to the City.~~
 - iv. ~~Canopies. Canopies may be installed on building facades and will count toward the maximum allowable wall sign area if commercial messages are advertised and will adhere to the following conditions:~~
 - ~~6. Commercial canopies will comply with all applicable ordinances, including building codes.~~
 - ~~7. Sign permits will be required if a commercial message is advertised on a canopy.~~
 - ~~8. Canopies must maintain a minimum of eight (8) feet of clearance above the right-of-way.~~
 - v. ~~Open Signs. Small neon "open" signs are allowed behind glass storefronts only in the Mixed Use Village and Neighborhood Commercial districts and in the ETJ and will not require a permit.~~

Table
10.1

| |
|---|
| PERMITTED SIGNS BY TYPE AND ZONING DISTRICT P = Permit Required X = Prohibited |
|---|

Exhibit B

| Sign Type | Mixed Use Village (MUV) | Neighborhood Commercial (NC) | Community Facilities (CF) | Logistics LO | Existing Residential (R1-R4) | Neighborhood Residential (NR) | Rural Residential (RR) | Signs on IH-10 Frontage |
|----------------------|-------------------------|------------------------------|---------------------------|--------------|------------------------------|-------------------------------|------------------------|-------------------------|
| Freestanding | | | | | | | | |
| Monument | P | P | P | P | X | X | X | P |
| Pole | X | X | X | P | X | X | X | P |
| Other | P | P | P | P | X | X | X | P |
| Incidental | P | P | P | P | X | X | X | P |
| Building | | | | | | | | |
| Building Marker | P | P | P | P | P | P | P | P |
| Canopy | P | P | P | P | X | X | X | P |
| Incidental | P | P | P | P | X | X | X | P |
| Marquee | P | P | P | P | X | X | X | P |
| Projecting | P | P | P | P | X | X | X | P |
| Residential | X | X | X | X | P | P | P | X |
| Roof | X | X | X | X | X | X | X | X |
| Roof, Integral | X | X | X | X | X | X | X | X |
| Street Address | P | P | P | P | P | P | P | P |
| Suspended | P | P | P | P | X | X | X | P |
| Temporary | P | P | P | P | P | P | P | P |
| Wall | P | P | P | P | X | X | X | P |
| Window | P | P | P | P | X | X | X | P |
| Miscellaneous | | | | | | | | |
| Flag | P | P | P | P | P | P | P | P |
| Portable | P | P | P | P | X | X | X | P |
| Sidewalk | P | P | X | X | X | X | X | P |
| Neon "Open" | P | P | X | X | X | X | X | P |

P = "Permit required" in a zoning district is allowed only with issuance of a permit approval.
 X = Does not meet either criterion in a zoning district is not allowed under any circumstances.

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Table
10.2

| Maximum Total Sign Area per Lot by Zoning | | | | | | | | |
|---|---|---|---------------------------|--------------|------------------------------|-------------------------------|------------------------|-------------------------|
| Sign Type | Mixed Use Village (MUV) | Neighborhood Commercial (NC) | Community Facilities (CF) | Logistics LO | Existing Residential (R1-R4) | Neighborhood Residential (NR) | Rural Residential (RR) | Signs on IH-10 Frontage |
| Maximum Area of Sign in Square Feet | 30 | 20 | 20 | 200 | 20 | 20 | 20 | 400 |
| Percentage of Ground Floor Area of Principal Building | N/A | N/A | N/A | 2 | N/A | N/A | N/A | 10 |
| Square Feet (SF) of Signage per Linear Foot (LF) of Street Frontage | 2 SF per LF façade frontage (wall signs only) | 2 SF per LF façade frontage (wall signs only) | N/A | N/A | N/A | N/A | N/A | 6 |

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Table 10. 3

| Number, Dimensions and Location of Individual Signs by Zoning District | | | | | | | | |
|--|---------------------------|------------------------------|---------------------------|-------------------------|------------------------------|-------------------------------|-------------------------|-------------------------|
| Sign Type | Mixed Use Village (MUV) | Neighborhood Commercial (NC) | Community Facilities (CF) | Logistics LO | Existing Residential (R1-R4) | Neighborhood Residential (NR) | Rural Residential (RR) | Signs on IH-10 Frontage |
| Freestanding | | | | | | | | |
| Area (SF) | 30 | 20 | 20 | 72 | 20 | 20 | 20 | 200 |
| Height (feet) | 10 | 8 | 8 | 8 | 5 | 5 | 5 | 42 |
| Setback (feet) | 8 | 8 | 8 | 10 | 8 | 8 | 8 | 10 |
| Number Permitted | | | | | | | | |
| Per Lot | 1 (per street frontage) | 1 (per street frontage) | 1 (per street frontage) | 1 (per street frontage) | 1 (per street frontage) | 1 (per street frontage) | 1 (per street frontage) | N/A |
| Per Feet of Street Frontage | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 1 (per 100) |
| Building | | | | | | | | |
| Maximum Area (SF) | 2 SF per 1 LF of frontage | 2 | 2 | N/A | 2 | 2 | 2 | N/A |
| Maximum Percent Wall Area | N/A | N/A | N/A | 5 | N/A | N/A | N/A | 10 |
| Sidewalk | | | | | | | | |
| Height | 4 feet | 4 feet | N/A | N/A | N/A | N/A | N/A | N/A |
| Per Business | 1 | 1 | N/A | N/A | N/A | N/A | N/A | 10 |

(5) Temporary Sign Permits (Private Property)

- a. ~~Temporary Sign Permit. Temporary signs on private property will be allowed only upon the issuance of a temporary sign permit, which will be subject to the following requirements:~~
 - i. ~~Term. A Temporary Sign permit will allow the use of a Temporary Sign for a specified 30-day period.~~
 - ii. ~~Number. Only one Temporary Sign permit will be issued on the same Zone Lot during any consecutive 120-day period.~~
 - iii. ~~Other Conditions. A Temporary Sign will be allowed only in accordance with Table 10.1 and subject to all of the requirements for Temporary Signs as noted therein.~~
 - iv. ~~Grand Opening Signage. A permit for Grand Opening Signage is allowed one time only for new businesses. Grand opening signage permits shall be issued within 90 days of the date of opening and shall be limited to 45 days.~~
 - v. ~~Closing or Going out of Business Signage. A permit for Closing Signage may only be issued one time for a business. Closing Signage permits shall be issued within 90 days of the date of closing and shall be limited to 45 days.~~

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~~(6) Signs in the Public Right of Way~~

- a. ~~No Signs in Public Right of Way. No signs will be allowed in the public right of way except for those specifically licensed or permitted by the City, state or a political subdivision of the State exercising jurisdiction where the sign is located.~~
- b. ~~Banners:~~
 - i. ~~Banner Permit. For banners hung across a State road or highway, the responsible party must obtain a Banner Permit from TxDOT and provide the City Manager (or designee) with proof of the Permit. Banners are not permitted across city streets.~~
 - ii. ~~Term. The permit applicant must submit a Banner Permit application to the City Manager (or designee) that includes the dates during which the banner is to be hung. A banner may be hung for no more than thirty (30) days.~~
 - iii. ~~Application Dates. The sign permit application must be submitted to the City Manager (or designee) at least five (5) working days before, but no more than ninety (90) days before the date requested for the banner to be hung.~~
 - iv. ~~Utility Poles. Banners to be erected over streets and attached to utility poles will be hung and removed by Pedernales Electric Cooperative (PEC) in Kendall County and by CPS Energy (CPS) in Bexar and Comal Counties.~~
 - v. ~~Removal. Once a banner has been removed, it must be picked up at City Hall by the party responsible for it within ten (10) working days. If the responsible party fails to pick up a removed banner within ten (10) days, the banner will be deemed abandoned and the City Manager (or designee) will dispose of it without accounting or liability to the owner for its damage or destruction.~~
 - vi. ~~Specifications for Banners:~~
 - 1. ~~Banners must be made of mesh material to insure air flow;~~
 - 2. ~~Banners must have two (2), three (3) foot ropes on each end to attach to PEC or CPS facilities;~~
 - 3. ~~Banners will not exceed four (4) feet by thirty six (36) feet; and~~
 - 4. ~~All banners will be hung by PEC or CPS at an elevation that will leave an open span of a minimum of nineteen (19) feet above the roadway.~~
- c. ~~Neighborhood Watch Signage. Neighborhood watch signage, requested by an Association, i.e., the Fair Oaks Ranch Homeowners Association (FORHA) or other Home Owner Association (HOA), or other group of residents residing within a city subdivision desiring to install such signage for a neighborhood watch program within such city subdivision, will meet the following conditions:~~
 - i. ~~Approval for Signs in Right of Way. No signs will be placed within the right of way without prior approval from the City of such signage;~~
 - ii. ~~Necessary Signage Materials. The applicant making the request will provide for or pay in lieu of, prior to installation, the necessary signage materials for installation, to include but not limited to the sign face, pole, clamps, material for the sign foundation, and so forth, excluding any labor costs. Such materials will be in conformance with the City's design criteria. The City will install all signage at major entrances and intersections of the subdivisions not to exceed five (5) signs. Any additional requests will be determined by the City Manager (or designee);~~
 - iii. ~~Height and Location Approved by the City. The height, location or co-location of neighborhood watch signs placed within such right of way will be determined by the City;~~
 - iv. ~~Face of Sign Approved by City. The face of the neighborhood watch sign including, but not~~

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~~limited to, sign colors, symbols, shape and form will be determined by the City Manager (or designee) or his / her designee. Such signage will recognize any city, state or nationally recognized standards for such neighborhood watch signs and subsequent updates;~~

~~v. New Developments. For new development within the city limits or ETJ, the developer will purchase and dedicate to the City all necessary neighborhood watch signage including all necessary materials as set forth herein or pay fees in lieu for five (5) signs; and~~

~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Section, will be forfeited to the public and subject to confiscation without accounting or liability to the owner for its damage or destruction. In addition to other remedies hereunder, the City will have the right to recover from the owner or person placing such a sign on public property the full costs of removal and disposal of such sign.~~

(5) ~~(7)~~ Design, Construction Compliance, Materials, and Maintenance

All signs will be designed, constructed, and maintained in accordance with the following standards:

- a. Compliance. All signs will comply with applicable provisions of this Code, and the adopted versions of the City of Fair Oaks Ranch adopted building regulations at all times.
- b. Materials. All monument signs, including the base, must be designed and constructed to substantially appear as a solid mass, such as a cylinder, block, rectangle, or square, from ground level to the highest portion of the sign excluding the base. All monument signs, including the base, must be made of masonry (brick, stone, or concrete), metal, routed wood planks or beam. Except for Banners, Flags, Temporary Signs, and Window Signs conforming in all respects with the requirements of this Chapter, all signs will be constructed of permanent materials and will be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- c. Maintenance. All signs will be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.

~~(8)~~ Master or Common Signage Plan

~~a. Master Signage Plan (MSP):~~

~~i. Multi Tenant Master Sign Plan. For any Multi tenant Center on which the owner proposes to erect one or more signs requiring a permit, the Owner will submit to the City Manager (or designee), a MSP containing the following:~~

- ~~1. An accurate plot plan of the lot(s) at a minimum 1"=20' scale, or as approved by the City;~~
- ~~2. The location of buildings, parking lots, driveways, landscaped areas on such lot and any other information as required by the City;~~
- ~~3. Calculation of the maximum total sign area, the maximum area for individual signs, the maximum height of signs and the maximum number of freestanding signs allowed on the lot under this Chapter;~~
- ~~4. An accurate indication on the MSP of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental window signs need not be shown;~~
- ~~5. An accurate depiction of the sign structure and materials, specifying standards for consistency among all signs on the lot(s) affected by the MSP with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials, and sign proportions; and,~~
- ~~6. If the signage in the MSP meets all requirements of this Chapter, without deviation, then a 20% increase in the maximum sign area will be allowed for each sign.~~

~~ii. Multi Lot Development. A multi lot development is one containing two or more contiguous~~

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and adjacent lots (disregarding intervening streets and alleys) that may or may not be under common ownership that contain more than one building (not including any accessory building). The Owner(s) of such multi-lot development may file a MSP. For the purpose of this paragraph, if the signage in the MSP meets the full intent of the section, then a 20 percent increase in the maximum sign area will be allowed for each sign.

- b. ~~Common Signage Plan (CSP). If the owner of two or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (not including any accessory building) files with the City Manager (or designee) for such lots a CSP meeting the requirements of this Chapter without deviation, a 25 percent increase in the maximum total sign area will be allowed for each included lot. This bonus will be allocated within each lot as the owner(s) elects. Provisions for CSP include the following:~~
 - iii. ~~Information. The CSP will contain all of the information required for a MSP and will also specify standards for consistency among all signs on the lots affected by the CSP with regard to the following:~~
 - 1. ~~Color scheme;~~
 - 2. ~~Lettering or graphic style;~~
 - 3. ~~Lighting;~~
 - 4. ~~Location of each sign on the building;~~
 - 5. ~~Material; and~~
 - 6. ~~Sign Proportions.~~
 - iv. ~~Limit on Number of Freestanding Signs under CSP. The CSP, for all lots with multiple uses or multiple users, will limit the number of Freestanding Signs to a total of one for each street on which the lots included in the plan have frontage and will provide for shared or common usage of such signs. Lots having more than 300 feet of street frontage on a single street may have one sign per 100 feet of frontage. For example a lot with 350 feet of frontage may have up to 3 signs but a lot with 200 feet of frontage may only have 1 sign.~~
- c. ~~General Provisions for Master or Common Signage Plans:~~
 - i. ~~Existing Signs Not Conforming to Common Signage Plan. If any new or amended CSP is filed for a property on which existing signs are located, it will include a schedule for bringing all signs into compliance with this Chapter, within three years from the date of approval of the plan or amended plan.~~
 - ii. ~~Other Restrictions. MSPs and CSPs may contain such other restrictions as the Owners of the lots may reasonably determine.~~
- d. ~~Consent. The MSP or CSP will be established by all Owners or their authorized agents in such form as the City Manager (or designee) may require.~~
- e. ~~Procedures:~~
 - i. ~~Submittal. A MSP or CSP will be included in any Development Plan, Site Plan, Planned Unit Development Plan, or other official plan required by the City for the proposed development and will be processed simultaneously. The City Manager (or designee) may review the Plan and approve it provided it meets all requirements of this Chapter; otherwise, he / she may approve it with conditions; or may deny the Plan.~~
 - ii. ~~Amendment. A MSP or CSP may be amended by filing a new Plan that conforms with all requirements of this Chapter.~~
 - iii. ~~Binding Effect. After approval of the MSP or CSP, no sign will be erected, placed, painted,~~

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or maintained, except in compliance with such Plan, and such Plan may be enforced in the same way as any provision of the Chapter. In case of any conflict between the provisions of such a Plan and any other requirement of this Chapter, this Chapter will control.

(8) Electronic Reader Boards

- a. ~~Standards.~~ Standards applicable to all electronic reader board signs (ERBSs) include the following:
 - i. ~~Location.~~ ERBSs will be located as follows:
 - 1. ~~At least three hundred fifty (350) feet away from a property with any residential zoning designation.~~
 - 2. ~~Only in locations as provided in subsections (b) and (c), below;~~
 - 3. ~~On a street frontage designated as highway, parkway or arterial.~~
 - ii. ~~Design.~~ ERBSs will be designed as follows:
 - 1. ~~A freestanding sign;~~
 - 2. ~~To auto dim / brighten to no brighter than 5,000 NITs during daylight hours and no brighter than 500 NITs during night hours;~~
 - 3. ~~To provide a minimum display time for each static image of at least six (6) seconds;~~
 - 4. ~~Will not display a solid white background;~~
 - 5. ~~Will present a static display with no animation, virtual movement, flashing or multimedia / video;~~
 - 6. ~~Will not utilize special effect transitions between each static display; and~~
 - 7. ~~Will display community public service announcements at least twenty-five (25) percent of the time in any given fifteen (15) minute period.~~
 - iii. ~~Construction.~~ ERBSs will be constructed such that the ERBS does not face, shine, or reflect light in any manner or angle into a property with any residential zoning designation or use.
- b. ~~Approval.~~ An ERBS meeting all the criteria above may be approved by the City Manager (or designee) based on the following criteria:
 - i. ~~That the EBRS is designed as a monument sign and does not exceed twelve (12) square feet per sign face;~~
 - ii. ~~The appropriateness and design of the ERBS and associated sign structure;~~
 - iii. ~~The potential for interference with the enjoyment of the use of surrounding properties and compatibility with land uses;~~
 - iv. ~~The zoning district and the adjoining zoning districts of the property for which the ERBS is sought;~~
 - v. ~~Whether the request is harmonious with the public interest; and~~
 - vi. ~~Consistency with the purposes of this Code.~~
- c. ~~Off Premise Sign Conversion to ERBS.~~ Under no circumstance may an off premise sign be converted to an EBRS.
- d. ~~Total EBRS Area.~~ For the purposes of calculating total sign area in Section 10.3(1), the area of an EBRS will count four (4) times against the maximum total permitted sign area for a lot. For example, a five (5) square foot electronic reader board would be treated as twenty (20) square feet for the purposes of calculating the total sign area on a lot.

Section 10.4 Types of Signs

All types of signs shall meet the requirements contained in Section 10.1 Sign Matrix, in addition to the applicable requirements listed below.

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(1) Freestanding

- a. Monument. A sign which is mounted on a base at least as wide as the sign. The opening between the base and the sign must be no greater than two inches.

- i. Landscaping around the base of the sign shall be required in an amount equal to or greater than 50 percent of the area of such monument sign. The landscaping shall be planted and maintained to be lower than the bottom height of the sign and shall be in addition to any other landscape requirements. Landscape bed(s) shall extend a minimum of three (3) feet from any portion of the base of the sign structure.



Figure 10.2 Monument Sign

- b. Electronic Reader Board (ERBS). A sign, display or device that exhibits its message, words, letters, numbers, images, symbols, or copy by programmable mechanical or electronic process including, but not limited to LED electronic signs and static electronic displays.

- i. Standards. Standards applicable to all electronic reader board signs (ERBSs) include the following:
- ii. Location: ERBSs will be located as follows:
- 1) At least three hundred fifty (350) feet away from a property with any residential zoning designation.
 - 2) Only in locations as provided in this section.
 - 3) On a street frontage designated as highway, parkway or arterial.
- iii. Design. ERBSs will be designed as follows:
- 1) A freestanding sign;
 - 2) To auto-dim / brighten to no brighter than 5,000 NITs during daylight hours and no brighter than 500 NITs during night hours;
 - 3) To provide a minimum display time for each static image of at least six (6) seconds;
 - 4) Will not display a solid white background;
 - 5) Will present a static display with no animation, virtual movement, flashing or multimedia / video;
 - 6) Will not utilize special effect transitions between each static display.
- iv. ~~(7)~~ Construction. ERBSs will be constructed such that the ERBS does not face, shine, or reflect light in any manner or angle into a property with any residential zoning designation or use.
- v. Approval. An ERBS meeting all the criteria above may be approved by the City Manager (or designee) based on the following criteria:
- 1) That the ERBS is designed as a monument sign and does not exceed twelve (12) square feet per sign face;
 - 2) The zoning district and the adjoining zoning districts of the property for which the ERBS is sought; and

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- 3) Consistency with the purposes of this Code.
- vi. ~~6. Off-Premises Sign Conversion to ERBS. Under no circumstance may an off-premises sign be converted to an EBRs.~~
 - vii. ~~d. Total ERBS Area. See Table 10.1. For the purposes of calculating total sign area in Section 10.2, the area of an ERBS will count four (4) times against the maximum total permitted sign area for a lot. For example, a five (5) square foot electronic reader board would be treated as twenty (20) square feet for the purposes of calculating the total sign area on a lot.~~
- c. Flag.
- i. Government or political subdivision - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, or political subdivision. In addition to the requirements set forth in Table 10.1, the following regulations are also applicable.
 - 1. The protocol set forth in United States Code, Title 36, Chapter 9, Patriotic Customs, the pertinent portions of which are contained in the book Our Flag, published by the Joint Committee on Printing, United States Congress shall be followed.
 - 2. Display of Texas flag shall follow Chapter 3100 of the Texas Government Code.
 - ii. Commercial - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, containing a commercial message. In addition to the requirements set forth in Table 10.1, the following regulations are also applicable.
 - 1. Three (3) flags are allowed on site, with a combined square footage not to exceed the total square feet permitted of a wall sign.
- d. ~~(8) Master or Common Signage Plan~~
- a. ~~Master Signage Plan (MSP):~~

Master Signage Plan includes Multi-Tenant Sign or Multi-User Sign. If the signage in the MSP meets all requirements of this Chapter, without deviation, then a 20% increase in the maximum sign area will be allowed for each sign.

 - i. ~~Multi-Tenant Master Sign Plan. For any Multi-tenant center on which the owner propose proposes to erect one or more signs requiring a permit, the Owner will submit to the City Manager (or designee), an MSP containing the following: sign is a sign that advertises multiple tenants located in one building.~~
 - ii. Multi-User sign on a Multi-Lot Development. A multi-lot development or an integrated business development is one containing two or more contiguous and adjacent lots (disregarding intervening streets and alleys) that may or may not be under common ownership and that contain more than one building (not including any accessory building). The Owner(s) of such multi-lot development may file a Multi-user sign.



Figure 10.3 Flag

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For any Multi-user or Multi-tenant center on which the owner proposes to erect one or more signs requiring a permit, the Owner will submit to the City Manager (or designee), an MSP containing the following:

- 1) An accurate plot plan of the lot(s) at a minimum 1" =20' scale, or as approved by the City;
- 2) The location of buildings, parking lots, driveways, landscaped areas on such lot and any other information as required by the city;
- 3) Calculation of the maximum total sign area, the maximum area for individual signs, the maximum height of signs and the maximum number of freestanding signs allowed on the lot under this Chapter;
- 4) An accurate indication on the MSP of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental window signs need not be shown;
- 5) An accurate depiction of the sign structure and materials, specifying standards for consistency among all signs on the lot(s) affected by the MSP with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials, and sign proportions; and,
- 6) The number of multi-user signs on one (1) site is limited to one (1) per six hundred (600) linear feet of street frontage unless said frontage is on IH-10, in which case the limit per property or development is one (1) multi-tenant sign per one thousand (1,000) linear feet of street frontage. The cumulative street frontage shall be calculated for corner lots.
- 7) No other free standing sign shall be permitted for individual businesses for development that construct a Multi-user.

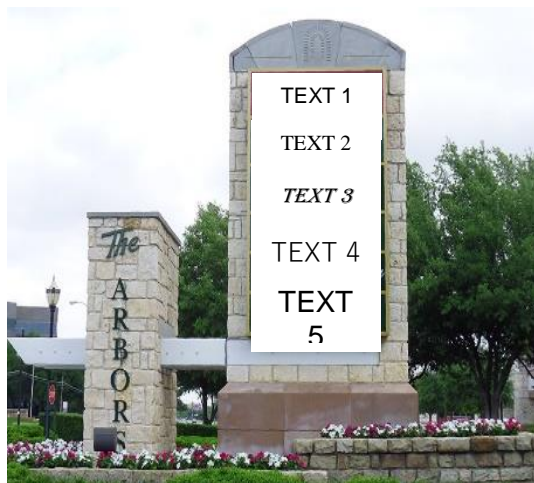


Figure 10.4 Example of a Multi-User/Multi-Tenant Sign

iii. ~~e.~~ General Provisions for Master ~~or Common~~ Signage Plans:

- 1) ~~i.~~ Existing Signs Not Conforming to Master ~~Common~~ Signage Plan. If any new or amended ~~CSP~~ MSP is filed for a property on which existing signs are located, it will include a schedule for bringing all signs into compliance with this Chapter, within 1,095 days ~~three years~~ from the date of approval of the plan or amended plan.
- 2) ~~ii.~~ Other Restrictions. MSPs ~~and CSPs~~ may contain such other restrictions as the Owners of the lots may reasonably determine.
- 3) ~~iii.~~ Consent. The MSP ~~or CSP~~ will be established by all Owners or their authorized agents in such form as the City Manager (or designee) may require.
~~(e) Procedures~~
- 4) Submittal. An MSP or CSP may be filed separately or will be included in any Development Plan, Site Plan, Planned Unit Development Plan, or other official plan required by the City for the proposed development and will be processed simultaneously. In the event that an MSP is not processed simultaneously or as

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part of the Development Plan, Site Plan, Planned Unit Development Plan, or other official plan, it may be submitted separately at a later date, subsequent to the approval of the above mentioned governing plans. The City Manager (or designee) may review the MSP and approve it provided it meets all requirements of this Chapter and the requirements of the approved Development Plan, Site Plan, Planned Unit Development Plan, or other official plan as applicable;

- 5) Amendment. An MSP or CSP may be amended by filing a new Plan that conforms with all requirements of this Chapter.
 - 6) Binding Effect. After approval of the MSP or CSP no sign will be erected, placed, painted, or maintained, except in compliance with such Plan, and such Plan may be enforced in the same way as any provision of the Chapter. In case of any conflict between the provisions of such a Plan and any other requirement of this Chapter, this Chapter will control.
- e. Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, for example “no parking,” “enter,” “exit,” “loading only,” “telephone”, and other similar directives. Incidental signs are allowed in all zones and are exempt. See Table 10.1 for additional requirements.

(2) Building Signs

- a. Wall Signs. A sign fixed directly on the exterior wall of a building. Wall (facade) signs must abide by IBC standards and criteria such as the minimum wind load. See table 10.1 for additional requirements.
- b. Window Signs. Window signs with a commercial message shall not exceed twenty-five percent of the window surface area. See Table 10.1 for additional requirements.
- c. Canopy/Awning with Advertising. See Table 10.1 for additional requirements. Permanent Canopies may be installed on building facades and only the text/logo will count toward the maximum allowable wall sign area and will adhere to the following conditions:
 - i. Commercial canopies will comply with all applicable ordinances, including building codes.
 - ii. Sign permits will be required if a commercial message is advertised on a canopy.
 - iii. Canopies must maintain a minimum of eight (8) feet of clearance above the right-of-way.
- d. Street Address. Street Address sign shall not be illuminated or lighted. See Table 10.1 for additional requirements.

(3) (5) Temporary Signs Permits (Private Property)

Temporary signs on private property will be subject to the following requirements:

- a. A Temporary Sign permit will allow the use of a Temporary Sign for a duration and manner specified in Table 10.1.
- b. Type of temporary signage. Refer to Section 10.6 Prohibited Signs.
 - i. Building. Temporary building signs shall not be placed higher than the building’s eave, top of wall, or parapet. See Table 10.1 for additional requirements.
 - ii. Other Signs. See Table 10.1 for applicable standards.
- c. Location
 - i. May be placed only on private property and with the consent of the owner of the property.

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- ii. Shall not obstruct the vehicle sight distance area at intersections and driveways. Signage less than 3 feet in height can be within 10 feet on each side of a driveway and 10 feet from the back of sidewalk or 15 feet from existing curb or edge of pavement. Greater than 3 feet in height shall be at least 10 feet from each side of a driveway and 10 feet from the back of a sidewalk or 15 feet from existing curb or edge of pavement.
- d. Removal
 - i. A sign authorized for placement under this section shall be removed by the applicant within 3 days of the completion of the event.
 - ii. A sign not removed in compliance with paragraph (i) of this subsection is subject to removal and disposal by the City Manager (or designee)
- e. Number
 - i. No more than one banner may be displayed at any one time at the establishment of the event.
- f. Other
 - i. Temporary flag sign. Additionally, the following are applicable:
 - 1. Temporary flag signs shall not exceed a length of two (2) feet or a width of five (5) feet.
 - 2. Temporary flag signs are not permitted to exceed a height of fourteen (14) feet.
 - 3. Temporary flag signs shall not be erected for more than 14 days in succession.
 - 4. Temporary flag signs shall not be placed on any site more than two (2) times within a calendar year.
 - 5. Temporary flag signs do not require a permit
 - ii. Grand opening and business' going out of business/ closing is allowed one time. These permits shall be issued within 90 days of the date of the opening and shall be limited to 45 days.
 - iii. Signs will always be maintained in good structural condition.
 - iv. Permit must be issued before the temporary sign or banner is displayed.
 - v. Permit must be kept on site available to be viewed by any city personnel at any time.

(4) Others

- a. Subdivision Signs. A permanent sign that is a maximum of one hundred and twenty (120) square feet in area per sign may be installed on private property at a street entrance to the subdivision, subject to the following:
 - i. Material and location of the sign shall be indicated on the construction plans for the subdivision;
 - ii. Type of construction shall match the character of the neighborhood;
 - iii. The location of the sign shall be shown as "Reserve" on the Final Subdivision Plat or Final Development Plat; and,
 - iv. Not more than two (2) such signs shall be permitted per street entrance to the subdivision.
 - v. See Table 10.1 for additional requirements.

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Figure 10.5 Examples of a Subdivision Entrance Sign

b. Other Signs Forfeited. All reasonable efforts will be made to notify the property owner of a sign in violation of this article for their voluntary removal in a timely fashion. If a property owner cannot be located or refuses to remove a sign in violation of this article, the City may remove such sign and bill the property owner for reasonable recovery of time and costs associated with sign removal and disposal. Any sign installed or placed on public property, except in conformance with the requirements of this Section, will be forfeited to the public and subject to confiscation without accounting or liability to the owner for its damage or destruction. In addition to other remedies hereunder, the City will have the right to recover from the owner or person placing such a sign on public property the full costs of removal and disposal of such sign

c. Kiosk Signs. Non illuminated Kiosk signs shall be used for directional signage to new residential developments, municipal facilities and parks, public and other venues selected by the City, on private property or city right-of-way, subject to the following:

- i. All kiosk signs and individual sign panels must be approved by the city, as part of City's signage program
- ii. The site plan must be submitted to the City for review and approval. The location of all kiosk signs must be approved by the department of transportation and/or public works prior to installation.
- iii. Minimum spacing between two sign structures shall be at least 100 feet, excluding signs located across a street from each other.
- iv. Shall not obstruct the use of sidewalks and walkways, and visibility triangles designated for vehicles, pedestrians, or traffic-control signs.
- v. All kiosk signs shall be ladder type with individual sign panels of uniform height and background color.
- vi. The maximum dimensions shall be eight (8) feet in height and four (4) feet in width.
- vii. Other signs, pennants, flags or other devices for visual attention or other appurtenances shall not be placed on the directional kiosk signs.



Figure 10.6 Example of a Kiosk Ladder Sign

d. Signs in the Public Right-of-way Banners in Nonresidential.

a. No signs will be allowed in the public right-of-way except for those specifically licensed or permitted by the city, state, or a political subdivision of the State exercising jurisdiction where the sign is located, except as follows:

b. Banners:

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- i. Banner Permit. For banners hung across a state road or highway, the responsible party must obtain a Banner Permit from TxDOT and provide the City Manager (or designee) with proof of the Permit. Banners are not permitted across city streets.
- ii. Term. The permit applicant must submit a Banner Permit application to the City Manager (or designee) that includes the dates during which the banner is to be hung. A banner may be hung for no more than thirty (30) days.
- iii. Application Dates. The sign permit application must be submitted to the City Manager (or designee) at least five (5) working days before, but no more than ninety (90) days before the date requested for the banner to be hung.
- ~~iv. Utility Poles. Banners to be erected over streets and attached to utility poles will be hung and removed by Pedernales Electric Cooperative (PEC) in Kendall County and by CPS Energy (CPS) in Bexar and Comal Counties.~~
- ~~v. Removal. Once a banner has been removed, it must be picked up at City Hall by the party responsible for it within ten (10) working days. If the responsible party fails to pick up an expired removed banner within three (3) ~~ten (10)~~ days, the banner will be deemed abandoned and the City Manager (or designee) will dispose of it and the applicant will be cited without accounting or liability to the owner for its damage or destruction.~~
- vi. Specifications for Banners:
 - 1) Materials are to meet the definition provided in the Definitions Chapter of the UDC.
 - 2) Banners must ~~provide~~ have two (2), three (3) foot ropes on each end to post banner attach to PEC or CPS facilities;
 - 3) Banners will not exceed four (4) feet by thirty-six (36) feet; and
 - 4) ~~All banners will be hung by PEC or CPS at an elevation that will leave an open span of a minimum of nineteen (19) feet above the roadway.~~
- e. Sidewalk/Sandwich Signs. Sidewalk signs will only be allowed by permit in the Mixed Use Village and Neighborhood Commercial Districts and will adhere to the following conditions:
 - a. Sidewalk signs will not exceed four feet in height.
 - b. Sidewalk signs must be placed directly in front of the business for which the sign is advertising.
 - c. Sidewalk signs must be removed when the business is closed.
 - d. Sidewalk signs must allow for a minimum of four feet of clearance as per American Disabilities Act (ADA) standards.
 - ~~e. Prior to issuance of a sidewalk sign permit, applicants must submit an executed indemnification form to the City.~~

~~Section 10.4 Exempt, Prohibited and Nonconforming Signs~~

Section 10.5 (1) Exempt Signs.

The following signs will be exempt from regulation under this Chapter:

- a. Public notice or warning signs, signs on Private Property. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance, or sign placed by the landowner such as No Trespassing, No Hunting, and No Fishing Signs;
- b. Informational sign for public notifications. Informational sign used by the City for the primary purpose of public notifications;
- ~~c. Temporary real estate signs not exceeding six square feet in area and three feet in height~~

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~~in residential zoning districts and not exceeding 64 square feet in area and 12 feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. These signs must be removed within seven days after the property is sold or leased;~~

- c. Works of art. Works of art that do not include a commercial message. Determination on if the art has a commercial message or not will be made by the City Manager (or designee). See Table 10.1 Sign Matrix for requirements;
- d. Commercial ~~H~~oliday lights and decorations on signs. Lights and decorations installed on a temporary basis in recognition of religious, state, or national holiday or holiday season with no commercial message;
- e. ~~f.~~ Traffic control signs on private property. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet Department of Transportation standards ~~and that contain no commercial message;~~

~~f. Temporary signs advertising a “garage sale” not exceeding six square feet in area. These signs may not be posted earlier than three days before the sale and must be removed within one day after the sale;~~

~~g. Temporary signs placed on construction sites identifying the contractor, engineer, architect, or developer and not exceeding 64 square feet in area for all entities identified. These signs may not be erected prior to approval of a site plan and must be removed within seven days after the completion of the project;~~

~~h. Permanent subdivision identification signs approved by the City Council as part of the platting process;~~

~~i. Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three weeks before and must be removed within one day after the event;~~

~~j. Model home signs not exceeding 32 square feet in area and 5 feet in height;~~

~~k. No Trespassing, No Hunting, and No Fishing Signs placed by the Landowner;~~

f. Vehicular Signs. Vehicles used solely as signs are not permitted. Signage is allowed on a truck, bus, car or other motorized vehicle provided all the following criteria are met:

- i. Primary purpose of such vehicle or equipment is not the display of signs;
- ii. Signs are painted upon or attached directly to an integral part of the vehicle or equipment;
- iii. Vehicle / equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate;
- ~~iv. Vehicles and equipment are not used primarily as static displays advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the general public; and~~
- iv. ~~✗~~ During periods of inactivity exceeding 5 working days such vehicle / equipment are not so parked or placed that the signs thereon are displayed to the public:

1. Vehicles and equipment engaged in the active construction projects and on-premises storage of equipment and vehicles offered to the general public for rent or cars will not be subjected to this condition.
2. This section will not affect the use of wagons, old boats, and the like, which are integrated into the theme of an overall landscape plan.

m. Political and Campaign signs that meet the following criteria:

- i. ~~On private property, signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts and must comply with state law pertaining to political and campaign signs;~~
- ii. ~~Are not on any portion of the public right-of-way located between a street or sidewalk~~

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and a property line fence (i.e. residential lot backup to an arterial street);

- iii. ~~The person, party or parties responsible for the distribution and display of such signs are individually and jointly responsible for their removal;~~
- g. ~~Water tower or a water storage device (including but not limited to elevated tanks and ground storage) constructed after adoption of this Chapter may display signage (including but not limited to the name of the water corporation or development, logo or name of the City, water corporation or development, or selling of advertising rights to another party) with the approval of the City Council.~~
- h. Scholastic signs. Scholastic signs such as universities, schools, and other organizations are regulated by deed restrictions and HOA guidelines. Owners are strongly encouraged to review their deed restrictions before installing such signs. The City does not enforce private deed restrictions or HOA regulations.
- i. Building marker/historic sign. Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument sign when placed or approved by a governmental entity, historical society, religious organization, or other nonprofit entity to commemorate a person, event, or other matter of historical interest are exempt. See Table 10.1 for additional requirements.
- j. Neighborhood Watch Signage. Neighborhood watch signage located in right of the way, requested by an Association, i.e., the Fair Oaks Ranch Homeowners Association (FORHA) or other Homeowner Association (HOA), or other group of residents residing within a subdivision desiring to install such signage for a neighborhood watch program within such city subdivision, will meet the following conditions:
 - i. Approval for Signs in Right-of-Way. No signs will be placed within the right-of-way without prior approval from the City of such signage;
 - ii. Necessary Signage Materials. The applicant making the request will provide for or pay in lieu of, prior to installation, the necessary signage materials for installation, to include but not limited to the sign face, pole, clamps, material for the sign foundation, and so forth, excluding any labor costs. Such materials will be in conformance with the City's design criteria. The City applicant will install all signage at major entrances and intersections of the subdivisions not to exceed five (5) signs. Any additional requests will be determined by the City Manager (or designee);
 - iii. Height and Location Approved by the City. The height, location or co-location of neighborhood watch signs placed within such right-of-way will be determined by the city;
 - iv. Face of Sign Approved by City. The face of the neighborhood watch sign including, but not limited to, sign colors, symbols, shape, and form will be determined by the City Manager (or designee) or his / her designee. Such signage will recognize any city, state or nationally recognized standards for such neighborhood watch signs and subsequent updates;
 - v. ~~New Developments. For new development within the city limits or ETJ, the developer will purchase and dedicate to the City all necessary neighborhood watch signage including all necessary materials as set forth herein or pay fees in lieu for five (5) signs; and~~

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Section 10.6 ~~(2)~~ Prohibited Signs

All signs not expressly permitted under this Section or exempt from regulation hereunder in accordance with this Section are prohibited in the City or its ETJ. Such signs include, but are not limited to:

- a. Beacons,
- b. Illuminated Signs, unless specially permitted in this chapter,
- ~~c. Obscene Signs,~~
- c. ~~d.~~ Inflatable signs and Tethered Balloon,
- d. ~~e.~~ Moving Signs,
- e. ~~Off-Premise Signs (except City-owned Directional Signs),~~
- f. Snipe Signs,
- g. Animated Signs,
- h. Electronic Signs and ERBS, except as provided in Section 10.4,
- i. Human or hand-held signs not otherwise exempt,
- j. Vehicles used solely as signs. When the intent is to use a vehicle as a substitute for a stationary sign instead of being used as vehicle or when a sign is erected in the bed of a truck or on the roof, except as provided in Section 10.6. w. below.
- k. Pole/Pylon Signs
- l. Roof Signs
- m. Neon Signs Other Than "Open" small neon signs
- n. Changeable Copy Sign
- o. Auxiliary Signs
- p. Home Occupation Signs-Building and/or Freestanding
- q. Portable Signs
- r. Billboards, as defined in this UDC
- s. Trailer Sign
- t. Wall Painted Signs
- u. Other Signs:
 - i. Painted on any roof surface or installed so that it faces contiguous residential property;
 - ii. That are placed upon a building or structure in a manner which would disfigure, damage, or conceal any significant architectural feature or detail of the building;

Section 10.7 ~~(3)~~ Nonconforming Signs

Nonconforming Signs will be brought into compliance with this Chapter in accordance with the following:

- a. Signs lawfully in existence on the date the provisions of this Ordinance are adopted that do not conform to the provisions of this Ordinance, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, will be regarded as a legal nonconforming signs.
- b. Signs which were nonconforming to the prior ordinance and which do not conform to this Ordinance must be removed immediately.
- ~~c. Signs erected on a property prior to its annexation and not in compliance with this Code will be considered nonconforming signs until such time as they are brought into compliance in accordance with this Chapter.~~
- ~~d. All Nonconforming Signs that were erected in violation of the ordinances of the City in existence at the time the sign was permitted or should have been permitted, and which~~

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- ~~violation was or has not been cured, will, upon written notice, be required to be brought into compliance with this Chapter or removed within a reasonable time frame specified by the City Manager (or designee), but not to exceed 30 days from the date of Notice.~~
- ~~e. Nonconforming Signs that do not comply with the City Building Codes will be subject to enforcement under the Building Codes, as well as this section. Repairs or modifications required under the City Building Codes will not entitle the owner of the nonconforming sign to compensation under this Chapter.~~
- c. ~~f.~~ All Nonconforming Signs will be subject to the following provisions:
- i. Change of Use. Whenever a land use changes, any nonconforming sign must be modified ~~so as~~ to be in full compliance with these sign regulations.
 - ii. Destroyed or Damaged Signs. Any Nonconforming Sign that has been destroyed or damaged to the extent that the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location will be removed or will be brought into compliance with this Chapter within 180 days from receipt of an order from the City Manager (or designee), without compensation being paid by the City to the Owner
 - ~~iii.~~ Relocation. No Nonconforming Sign will be required to be relocated or removed unless such Nonconforming Sign is more than 60 percent destroyed or damaged as provided in Section 10.3(5)b above. ~~Any water storage device displaying signage existing at the date of this adoption is considered non-conforming and precluded from restoring any type of signage upon repainting of the water storage device.~~

Section 10.8 ~~10.5~~ Abandoned and Dilapidated Signs and Supporting Structures

(1) Compliance

- a. Owner Responsibility. On any premise on which there is displayed or maintained an Abandoned Sign or Dilapidated Sign or abandoned or dilapidated supporting structure, the Owner will remove the sign or dilapidated supporting structure within fifteen (15) days after receiving notice from the City; or secure any required permits and make any repairs necessary to bring the sign into compliance with this Ordinance. ~~comply with the following requirements:~~
- ~~i. Remove the sign within thirty (30) days after receiving written notice from the City Manager (or designee) or the adoption of this Chapter, whichever is later;~~
 - ~~ii. Remove, or comply with the provisions of this Section, any abandoned or dilapidated supporting structure within thirty (30) days after receiving written notice from the City Manager (or designee);~~
 - ~~iii. Remove, or comply with the provisions of this Section, any abandoned supporting structure that does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached;~~
 - ~~iv. Will make any modifications, alterations or changes to an abandoned sign or supporting structure in full compliance with the requirements of this Chapter.~~
- b. Violations. Any dilapidated sign or dilapidated supporting structure not in compliance with this Section is an unlawful sign and may be removed by the City in compliance with Chapter 12, Infrastructure and Public Improvements Compliance and Enforcement, and the owner may be prosecuted or be enjoined from continuing such violation.
- c. Compliance. If a sign, which conforms to the regulations of this Chapter, is abandoned, the owner, user, and persons who benefit from the sign and the owner, operator, and tenants of

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the property on which the sign is located will remove it, paint out or cover the message portion of the sign, put a blank face on the sign, or otherwise bring it into compliance with this Chapter so as to leave the message portion and supporting structure neat and unobtrusive in appearance, within 90 days after receiving written notice from the City Manager (or designee).

~~(2) Use, Display, Maintenance, or Permitting of an Alteration of any Abandoned Sign or Supporting Structure.~~

~~a. The following are required for the use, display, maintenance, or permitting of an alteration of any abandoned sign or supporting structure regardless of when the sign was abandoned:~~

~~i. Like material. Only the same as, or better quality material as that being replaced will be used as a face on or in the abandoned sign. The face of the supporting structure must be one that the supporting structure is designed to support.~~

~~ii. Covered Messages:~~

~~1. Abandoned signs may be painted in order to "blank" the face; however, the paint must completely cover the sign face or message portion of the structure. The covered, painted over message must not show through the paint.~~

~~2. Covered sign faces must be of a material or substance that renders the resulting sign face completely blank, opaque, and resistant to deterioration. It is a violation of the Chapter to allow a covered message to bleed or show through the paint or covering.~~

~~3. Routed, embossed, or raised messages or sign copy must not be visible to the ordinary observer, if the face or message is blanked~~

(2) ~~(3) Abandoned Sign.~~ No Person will alter an abandoned sign or supporting structure without first obtaining a permit to do so from the City Manager (or designee).

Section 10.9 ~~10.6 Political Signs Electioneering on City Owned or Controlled Public Property~~

(2) Purpose

The purpose of this Section is to provide reasonable regulations for electioneering on City-owned or controlled public property ~~when such property is used as an election polling place.~~ These regulations are intended to mitigate safety concerns, prevent damage to public property, and ensure that such property is sufficiently available for patrons who use the facilities other than for election purposes.

~~(3) Definitions~~

~~The following words, terms and phrases, when used in this Section, have the meanings ascribed to them as follows:~~

~~i. Electioneering means the posting, use, or distribution of political signs or literature.~~

~~ii. Polling place means a city-owned or controlled public property that is being used as an election polling place.~~

~~iii. Voting period means the period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later.~~

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(2) ~~(3)~~ Permits

No permit will be required under this Section for on-premises signs. Any sign listed in this Section will be erected and maintained in a safe condition in conformance with all other requirements of this Chapter.

(3) ~~(4)~~ Regulations and Exceptions

a. The following regulations apply to electioneering on the premises of public property during the voting period: ~~It is an offense for any person to~~

- ~~i. Leave any electioneering sign or literature on public property that is used as a polling place other than during the voting period and for one day before and after the voting period;~~
 - ~~ii. Comply with State Law distance requirements on engaging in electioneering on driveways, parking areas, on medians within parking areas, on the premises of a polling location;~~
 - ~~iii. Attach, place or otherwise affix or erect any electioneering sign, literature or material in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling location;~~
 - i. ~~iv.~~ Place any electioneering sign or literature within ten (10) feet of the public road way adjacent to the public property where a polling location is located;
 - ii. Place an electioneering sign on the premises that exceeds thirty-six (36) square feet and is more than eight (8) feet in height, including any supporting poles, or to utilize any stake more than 18 inches long or 1 foot in diameter. Stakes may not be buried to a depth greater than ten (10) inches; and
 - iii. Election Signs. All election signs must comply with State law Sec. 259.003 of Chapter 259, Title 15 and City regulations.
 - iv. All political signs located on public property shall be removed no later than three (3) business days after conclusion of voting unless State law prohibits removal of signs after time period. Any signs remaining after three business days will be removed by the City and held until the seventh (7) day after the conclusion of voting and will be disposed of after the seventh day.
 - v. A limit of 3 political signs per candidate will be allowed on public property. The city will maintain a diagram designating prohibited areas pursuant to Election code SS61.003, as amended.
 - ~~vi. Pursuant to Election Code § 61.003, to post, use or distribute political signs or literature in any area of the premises of the City Hall except those areas in which electioneering is allowed. The City will maintain a diagram designating prohibited areas pursuant to said Election Code, as amended.~~
- b. ~~The regulations set forth in in this Chapter will not apply to any City of Fair Oaks Ranch authorized signs, materials or other messages on its property.~~
- b. ~~(5)~~ Remove and Dispose of Electioneering Sign(s)
- i. ~~→~~ In addition to imposing any criminal penalty, the City Manager may, without notice, remove and dispose of electioneering sign(s) located in violation of this section.
 - ii. The city shall remove and dispose of signs exceeding the permitted duration in this section.

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~~b. Section 10.3(6) of this Code prohibiting signs in the public right-of-way except for those specifically licensed or permitted by the City, State or a political subdivision of the State exercising jurisdiction where the sign is located will be strictly enforced. The City Manager or designee may request that signs in a public right-of-way be removed by the appropriate political subdivision.~~

~~(6) Term of Electioneering on Public Property~~

~~The authority to conduct electioneering on public property under this Section is limited to the polling place where the voting is conducted and only for the voting period, such that at the end of the voting period, all signs and vehicles must be removed.~~

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Section 10.10 Sign Matrix

Table 10.1 Sign Matrix

| Type of Sign | Zones Permitted In | Maximum Sign Area Permitted (square <u>feet (SF)</u>) | Permitted Number | Included in Total Wall Sign Area Calculation? | Permitted Height (feet) | Minimum Setback Required (From the Street ROW) (feet) | <u>Permitted Duration</u> | <u>Permit Required</u> |
|---------------------------------------|---------------------------|--|--|---|---|---|---------------------------|------------------------|
| Freestanding Signs | | | | | | | | |
| <u>Subdivision</u> | <u>All zones</u> | <u>120</u> | <u>2 at each subdivision street entrance</u> | <u>NA</u> | <u>8</u> | <u>15 from the front public right of way; 10 from the side and rear lot lines</u> | <u>Permanent</u> | <u>Yes</u> |
| <u>Monument (Non-Residential Use)</u> | <u>MU, NC, CF, LO, OS</u> | <u>MU-30; OS, NS & CF-20; LO-72</u> | <u>1 per street frontage. Additional sign for every 600' of street frontage.</u> | <u>No</u> | <u>MU-10'; NC, CF, OS, LO-8'</u> | <u>MU, NC, CF, LO, OS-10'</u> | <u>Permanent</u> | <u>Yes</u> |
| <u>ERBS</u> | <u>MU, NC, CF, LO, OS</u> | <u>24 per sign face</u> | <u>One per sign</u> | <u>No</u> | <u>Contained within the monument sign</u> | <u>Contained within the monument sign</u> | <u>Permanent</u> | <u>Yes</u> |
| <u>Flag</u> | <u>All zones</u> | <u>100</u> | <u>3 per lot</u> | <u>No</u> | <u>35' if mounted on the ground. 12' if mounted on top of a building.</u> | <u>15'</u> | <u>Permanent</u> | <u>Yes</u> |
| <u>Multi-Tenant / Multi-User</u> | <u>MU, NC, CF, LO, OS</u> | <u>20% increase in the permitted maximum sign area for monument sign</u> | <u>1 per street frontage. Additional sign for every 600' of street frontage.</u> | <u>No</u> | <u>MU-10'; NS, CF, OS, LO-8'</u> | <u>10', except 15' from any property line fronting on IH-10</u> | <u>Permanent</u> | <u>Yes</u> |

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| Type of Sign | Zones Permitted In | Maximum Sign Area Permitted (square <u>feet (SF)</u>) | Permitted Number | Included in Total Wall Sign Area Calculation? | Permitted Height (feet) | Minimum Setback Required (From the Street ROW) (feet) | <u>Permitted Duration</u> | <u>Permit Required</u> |
|--|---------------------------|--|--|---|-------------------------|---|---------------------------|------------------------|
| <u>Incidental.</u> <u>Examples</u> <u>include “no parking,” “enter,” “exit,” “loading only,” “telephone”, and others</u> | <u>MU, NC, LO, OS, CF</u> | <u>2 SF per sign</u> | <u>One directional sign per driveway or location</u> | <u>No</u> | <u>4’</u> | <u>10’</u> | <u>Permanent</u> | <u>No</u> |
| Building | | | | | | | | |
| <u>Wall</u> | <u>MU, NC, LO, CF, OS</u> | <u>2 SF per linear feet of building frontage</u> | <u>NA</u> | <u>Yes</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>Yes</u> |
| <u>Window</u> (considered as part of wall signage) | <u>MU, NC, LO, CF, OS</u> | <u>2 SF per linear feet of building frontage (contained within wall signage)</u> | <u>NA</u> | <u>Yes</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>No</u> |
| <u>Historic Building Marker</u> | <u>All zones</u> | <u>2</u> | <u>1 per façade</u> | <u>No</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>No</u> |
| <u>Canopy</u> | <u>MU, NC, LO, CF, OS</u> | <u>2 SF per linear feet of building frontage</u> | <u>1 per canopy</u> | <u>Yes, the advertising text/logo</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>Yes</u> |
| <u>Incidental Signs on the building</u> (Examples include “loading,” “no parking”, etc.) | <u>MU, NC, LO, CF, OS</u> | <u>2</u> | <u>One sign per facade. Additional if required. To be determined by staff.</u> | <u>No</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>No</u> |
| <u>Marquee</u> | <u>MU, NC, LO, CF, OS</u> | <u>2 square feet per linear feet of</u> | <u>NA</u> | <u>Yes</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>Yes</u> |

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| Type of Sign | Zones Permitted In | Maximum Sign Area Permitted (square <u>feet (SF)</u>) | Permitted Number | Included in Total Wall Sign Area Calculation? | Permitted Height (feet) | Minimum Setback Required (From the Street ROW) (feet) | <u>Permitted Duration</u> | <u>Permit Required</u> |
|---|-----------------------------------|--|---------------------------------------|---|-------------------------|---|--|------------------------|
| | | <u>building frontage.</u> | | | | | | |
| <u>Street Address</u> (Defer to fire code) | All zones | <u>Per fire code</u> | <u>1 per street frontage</u> | <u>No</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>No</u> |
| <u>Suspended</u> | <u>MU, NC, LO, CF, OS</u> | <u>2 SF per building frontage</u> | <u>1 per building street frontage</u> | <u>Yes</u> | <u>NA</u> | <u>NA</u> | <u>Permanent</u> | <u>Yes</u> |
| ERBS on Wall | Not permitted | | | | | | | |
| Temporary | | | | | | | | |
| <u>Non-Residential Uses. Examples include carnivals, fair, real estate, coming soon, construction site sign, special event signs, builder sign, model home signs etc.</u> | <u>MU, NC, LO, CF, OS</u> | <u>64</u> | <u>2 per event</u> | <u>No</u> | <u>10'</u> | <u>10'</u> | <u>Temporary Off-site events. Permitted for a maximum of 14 days, no more than 2 times a year.</u> | <u>Yes</u> |
| <u>Residential Uses. Examples include community event, fairs, real estate signs such as coming soon, church fairs, garage sales, construction site sign, special event signs, garage sales.</u> | <u>RR, NR, R1, R2, R3, R4, CF</u> | <u>6</u> | <u>2 per event</u> | <u>No</u> | <u>10'</u> | <u>10'</u> | <u>Permitted for a maximum of 14 days, no more than 2 times a year.</u> | <u>No</u> |

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| Type of Sign | Zones Permitted In | Maximum Sign Area Permitted (square <u>feet (SF)</u>) | Permitted Number | Included in Total Wall Sign Area Calculation? | Permitted Height (feet) | Minimum Setback Required (From the Street ROW) (feet) | <u>Permitted Duration</u> | <u>Permit Required</u> |
|---|--|--|--------------------------------|---|-------------------------|--|---|------------------------|
| <u>builder sign, model home signs</u> | | | | | | | | |
| <u>Pennants</u> | <u>All zones</u> | <u>Individual pennant shapes (triangular, tapered, etc.) up to 18 inches</u> | <u>NA</u> | <u>No</u> | <u>NA</u> | <u>Not in Public ROW</u> | <u>Permitted for a maximum of 14 days at a time</u> | <u>No</u> |
| Others | | | | | | | | |
| <u>Subdivision Identification Signs (Residential Use)</u> | <u>All zones</u> | <u>120</u> | <u>1 per subdivision entry</u> | <u>No</u> | <u>10'</u> | <u>10', or in conformance with visibility triangle</u> | <u>Permanent</u> | <u>Yes</u> |
| <u>Neighborhood Watch Signage</u> | <u>Permitted as part of City's or HOA's requirements</u> | | | | | | | |
| <u>Kiosk Signs</u> | <u>Permitted as part of the City's signage program. See Section 10. 4 (4) c.</u> | | | | | | | |
| <u>Sandwich Signs</u> | <u>See Section 10. 4 (4) e.</u> | | | | | | | |
| <u>Banners in the Public ROW</u> | <u>As permitted by the city and this chapter</u> | | | | | | | |
| <u>Small neon "open" signs (behind glass storefronts)</u> | <u>MU, NC, ETJ</u> | | | | | | | <u>No</u> |
| Exempt | | | | | | | | |
| <u>Public Notice or Warning</u> | <u>All zones</u> | <u>NA</u> | <u>NA</u> | <u>No</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>No</u> |
| <u>Informational Sign - for Public Notifications</u> | <u>All zones</u> | <u>NA</u> | <u>NA</u> | <u>No</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>No</u> |
| <u>Works of Art</u> | <u>All zones</u> | <u>NA</u> | <u>NA</u> | <u>No</u> | <u>NA</u> | <u>10'</u> | <u>Permanent</u> | <u>No</u> |
| <u>Holiday Lights and Decorations</u> | <u>All zones</u> | <u>NA</u> | <u>NA</u> | <u>No</u> | <u>NA</u> | <u>NA</u> | <u>Temporary</u> | <u>No</u> |
| <u>Traffic Control</u> | <u>All zones</u> | <u>2</u> | <u>As required</u> | <u>No</u> | <u>3'</u> | <u>As required</u> | <u>Permanent</u> | <u>No</u> |

EXHIBIT B

[illegible]

EXHIBIT B

| Type of Sign | Zones Permitted In | Maximum Sign Area Permitted (square <u>feet (SF)</u>) | Permitted Number | Included in Total Wall Sign Area Calculation? | Permitted Height (feet) | Minimum Setback Required (From the Street ROW) (feet) | <u>Permitted Duration</u> | <u>Permit Required</u> |
|--|--|---|------------------|---|-------------------------|---|----------------------------------|-------------------------------|
| <u>Home Occupation Signs-Building and/or Freestanding</u> | | | | | | | | |
| <u>Animated Signs</u> | | | | | | | | |
| <u>Human or Hand-Held Signs (not otherwise exempt)</u> | | | | | | | | |
| <u>Portable Signs</u> | | | | | | | | |
| <u>Billboards</u> | | | | | | | | |
| <u>Wall Painted Signs</u> | | | | | | | | |
| <u>Traffic Control Signs (private property)</u> | | | | | | | | |
| <u>Political and Campaign Signs</u> | <u>As per state and city requirements</u> | | | | | | | |

Hill Country Aesthetics

Section 4.4 Rezoning

(2) Newly Annexed Territory

All areas annexed into the City shall be provided with a temporary zoning designation of Rural Residential (RR) by City Council at the time of annexation unless permanent zoning is requested with the annexation. As soon as practical, after the completion of annexation proceedings City Council shall permanently zone the area.

Section 4.5 Lot Standards and Zoning

(1) Zoning Districts and their respective development standards are set forth below.

(1) Commercial / Mixed Use / Nonresidential Districts

All Commercial / Mixed Use / Nonresidential development shall adhere to development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development and Building Form Standards, as well as other applicable standards in this UDC.

g. 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 and Local Connector Streets. Uses within this Zoning District include commercial (office, retail, and restaurant) with a variety of residential uses also permitted.

ii. Design Standards:

Section 7.4 General Standards and Guidelines

(1) Design Principles

Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

- a. New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with glazing, shading, and shelter;
- b. Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;
- ~~c. Designs strengthen and celebrate Fair Oaks Ranch's desire for a Hill County aesthetic;~~
- d. Building facades shall include appropriate architectural details and ornament to create variety and interest;
- e. Open space(s) shall be incorporated to provide both usable public areas integral to the built environment and preserved open space with less active use; and
- f. Designs increase the quality, adaptability, and sustainability in Fair Oaks Ranch's building stock.

Drainage (Administrative)

Section 9.7 Drainage and Erosion Control Standards

(1) Facilities Required

The Developer will provide a storm drainage system to meet a level of service as defined in this section. A storm drainage system will be provided that is capable of conveying the peak discharge generated by the 100-yr storm. Note peak flows may be reduced by detention or other on-site storage. This conveyance may be enclosed or open, or a combination of both. The system will be integrated with the storm drainage system of the City, and the design of the system must be approved by the City Manager (or designee) in accordance with the requirements of this Code. The storm drainage system is any existing collection, conveyance, or storage stormwater infrastructure within the defined street right-of-way and/or existing platted easement, and drainage paths as defined by

the City.

- d. Downstream impacts of increased impervious area resulting from development will be mitigated through detention and/or green infrastructure. Peak runoff control will be provided for the 100-yr, 10-yr, and 2-yr storms. ~~and volumetric and/or extended detention control of the annual mean storm event will be provided. The maximum release rate from any development or redevelopment will be as follows:~~
 - i. ~~2-yr storm peak rate less than or equal to 0.5 cfs per site acre~~
 - ii. ~~10-yr storm peak rate less than or equal to 2.0 cfs per site acre~~
 - iii. ~~100-yr storm peak rate less than or equal to 3.0 cfs per site acre~~
 - iv. ~~Annual storm. 40-hour extended detention or other City approved green infrastructure.~~