

Section 4.6 Zoning Districts

The following Zoning Districts reflect the existing land uses, applicable zoning districts, and recommended future land use classifications included in the City of Fair Oaks Ranch’s Comprehensive Plan’s Future Land Use Map (FLUM). Portions of the City of Fair Oaks Ranch, as specified on the Official Zoning Map of the City, are hereby divided into the following zoning districts. (Refer to Table 4.2 for allowable uses within each Zoning District):

Table 4.1 Zoning Districts

<u>RESIDENTIAL DISTRICTS</u>	<u>ZONING ABBREVIATIONS</u>	<u>EQUIVALENT FLUM CLASSIFICATION</u>
Neighborhood Residential	NR	Neighborhood Residential
Existing Residential 1	R1	Existing Residential 1
Existing Residential 2	R2	Existing Residential 2
Existing Residential 3	R3	Existing Residential 3
Existing Residential 4	R4	Existing Residential 4
<u>NON-RESIDENTIAL DISTRICTS</u>		
Mixed Use Village	MU	Mixed Use Village
Neighborhood Commercial	NC	Neighborhood Commercial
Community Facilities	CF	Community Facilities
Logistics	LO	Logistics
Parks/Open Spaces/Existing Parks	OS	Parks/Open Spaces/Existing Parks
<u>SPECIAL DISTRICTS</u>		
Planned Unit Development	PUD	None
Conservation Development Alternative	RR or NR	Rural Residential or Neighborhood Residential

(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 acres using the Conservation Development Alternative Minimum to incentivize conservation areas), and are generally not served by urban infrastructure, such as City sewer service. This district is intended to retain a rural character. Residences in the RR district 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 acres using the Conservation Development Alternative Minimum to incentivize conservation areas). The NR district allows a variety of lot sizes and housing. NR developments provide

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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.

g. Design Standards

Building Placement - Setbacks						
	<u>R</u> 1	<u>R</u> 2	R 3	R 4	NR	RR
Front	*	*	*	*	25' min.	50' min.
Street Side	*	*	*	*	15' min.	25' min.
Side	*	*	*	*	10' min.	25' min.
Rear	*	*	*	*	20' min.	25' min.
Lot Size Standards						
	R	R	R	R	NR	RR

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	1	2	3	4		
Minimum	-	.3 A C	1 .3 A C	5 A C	1 AC	5 AC
Minimum w/ Conservation Development Option	N A	N A	N A	N A	.75 blended average min.	3.75 blended average min.

Building Height						
i. Principal Building Standards						
Building maximum				2.5 stories or 35' max.		
ii. Accessory Building Standards						
Building maximum				2 stories or 25' max.		

*Note: Lot area and building setbacks 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.

(2) 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.

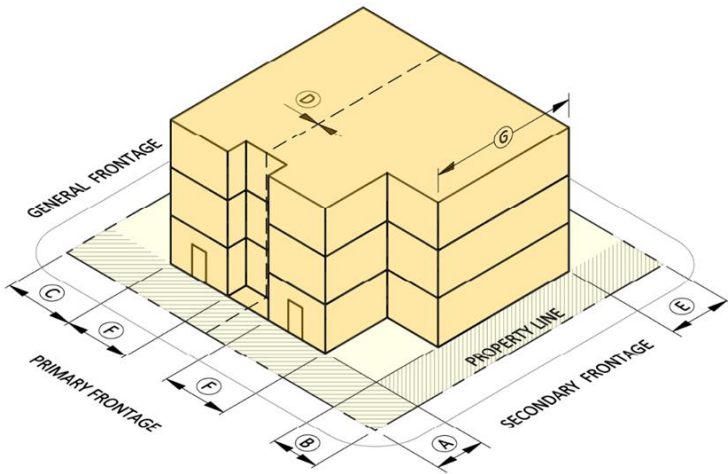
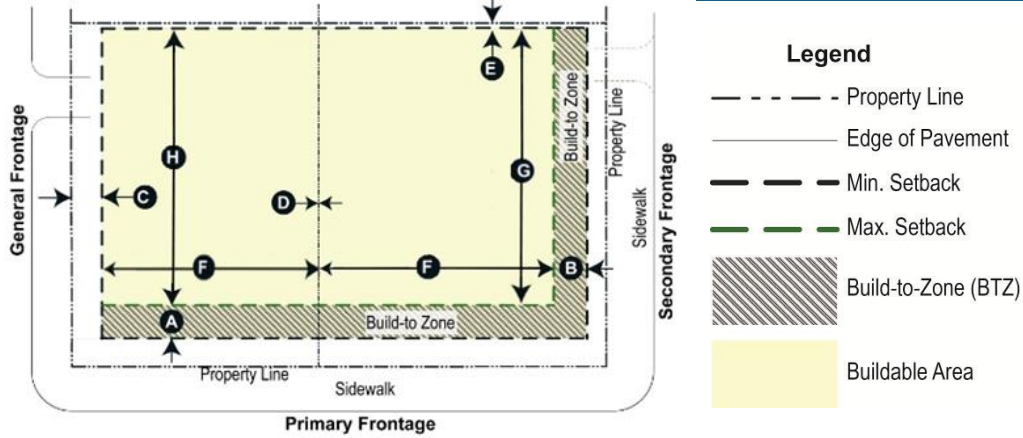
a. Mixed Use Village (MU)

The Mixed Use Village District (MU) indicates areas within the City of Fair Oaks Ranch where the City allows and encourages a mixture of uses that create pedestrian scaled development at major nodes in the City ~~that generally conform to a Hill Country Design aesthetic~~. Sites in the MU district are appropriate primarily for direct access to Arterial, Collector and Local Connector Streets. Uses within this Zoning District include commercial (office, retail, and restaurant) with a variety of residential uses also permitted.

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i. Design Standards:

Building Placement



Building to Zone (Distance from property lint to edge of the zone)

Primary Frontage	0' min. setback – 20' max. setback.	Ⓐ
Secondary Frontage	10' min. setback – 20' max. setback	Ⓑ
General Frontage	20' min. setback; no max. setback	Ⓒ
Interior Side	5' min.; no max. setback	Ⓓ
Rear	10' min.; no max. setback	Ⓔ

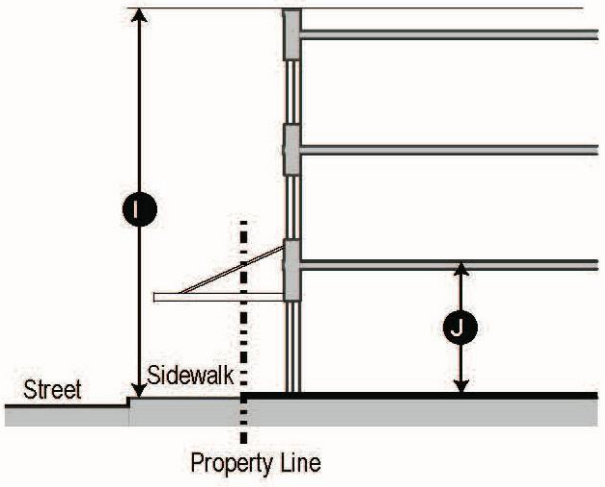
Building Frontage

Primary Frontage	60% min.	Ⓕ
Secondary Frontage	40% min.	Ⓖ
General Street or Alley Frontage	None Required	Ⓗ

Building Height

Principal Building Standards

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	<p>Building Maximum 3 stories or 45' max.</p>	<p>I</p>
	<p>First floor to floor height (fin. Floor to fin. Floor) 12' min. for all buildings with Primary Frontage designation 10' min. for all other frontages</p>	<p>J</p>

Parking & Service Access
Surface Parking Setbacks

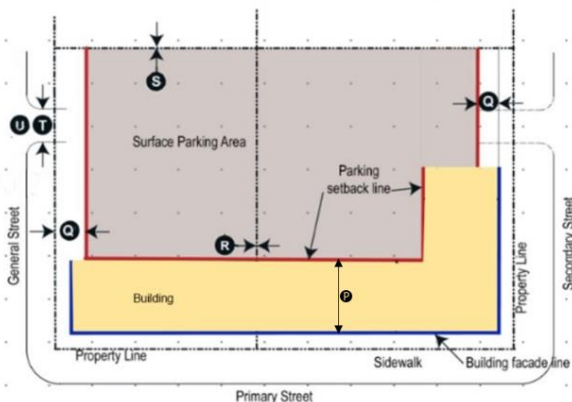
	<p>Primary Frontages Shall be located behind the principal building along the street frontage</p>	<p>P</p>
	<p>Secondary Frontages/ General Frontages/ Alley Shall be located behind the principal building along that street frontage If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line.</p>	<p>Q</p>
	<p>Side 5' min.</p>	<p>R</p>
	<p>Rear 5' min.</p>	<p>S</p>

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Structured Parking														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Primary Frontages</td> <td style="padding: 5px;">Shall be located behind the principal building;</td> <td style="text-align: center; padding: 5px;">P</td> </tr> <tr> <td style="padding: 5px;">Secondary Frontages/ General Frontages</td> <td style="padding: 5px;">Allowed to be built up to the minimum setback line along that street frontage</td> <td style="text-align: center; padding: 5px;">Q</td> </tr> <tr> <td style="padding: 5px;">Side</td> <td style="padding: 5px;">5' min.</td> <td style="text-align: center; padding: 5px;">R</td> </tr> <tr> <td style="padding: 5px;">Rear</td> <td style="padding: 5px;">5' min.</td> <td style="text-align: center; padding: 5px;">S</td> </tr> </table>	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	Secondary or General Frontage
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.		

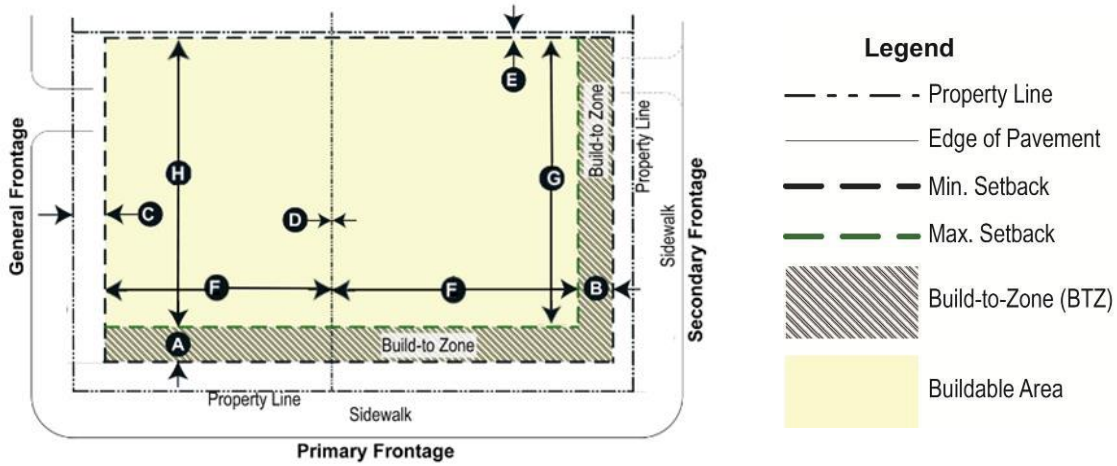
b. Neighborhood Commercial District (NC)

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

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i. Design Standards:

Building Placement



**Build to Zones (BTZs)
(Distance from property line to edge of the zone)**

Primary Frontage	10' min setback – 20' max. setback	A
Secondary Frontage	10' min. setback – 80' max. setback	B
General Frontage	20' min. setback; no max. setback	C
Interior Side	20' min; no max. setback	D
Rear	20' min.; no max. setback	E

Building Frontage

Primary Frontage	40% min.	F
Secondary Frontage	20% min.	G
General Frontage	None Required	H

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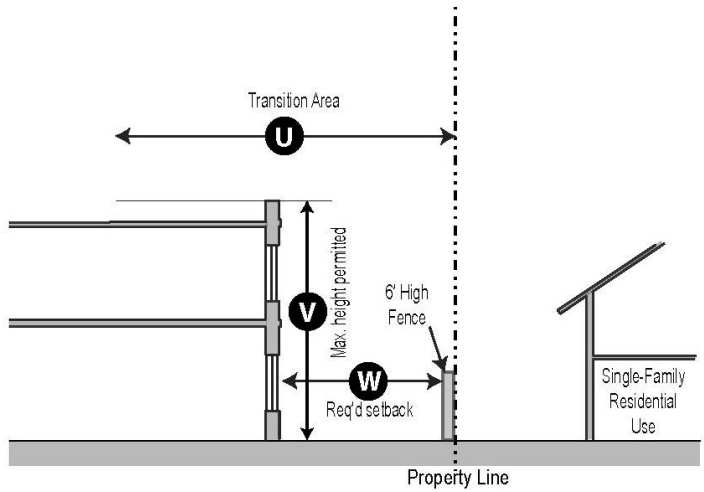
Building Height		
Principal Building Standards		
	Building Maximum	2 stories or 30' max. I
	First floor to floor height (fin. Floor to fin. Floor)	12' min. for all buildings with a Secondary Frontage designation 10' min. for all other frontages J
Parking & Service Access		
Surface Parking Setbacks		
	Primary Frontage	Shall be located behind the principal building along the street frontage or Min. 10' behind the property line along that street P
	Secondary/ General Frontage	Min. 3' behind the property line along that street Q
	Side	10' min. R
	Rear	10' min. S
Driveway and Service Access		
1. Parking driveway width	Section 6.6 shall apply	T
2. Driveways and off-street loading /unloading standards	Section 6.6 shall apply	U

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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		

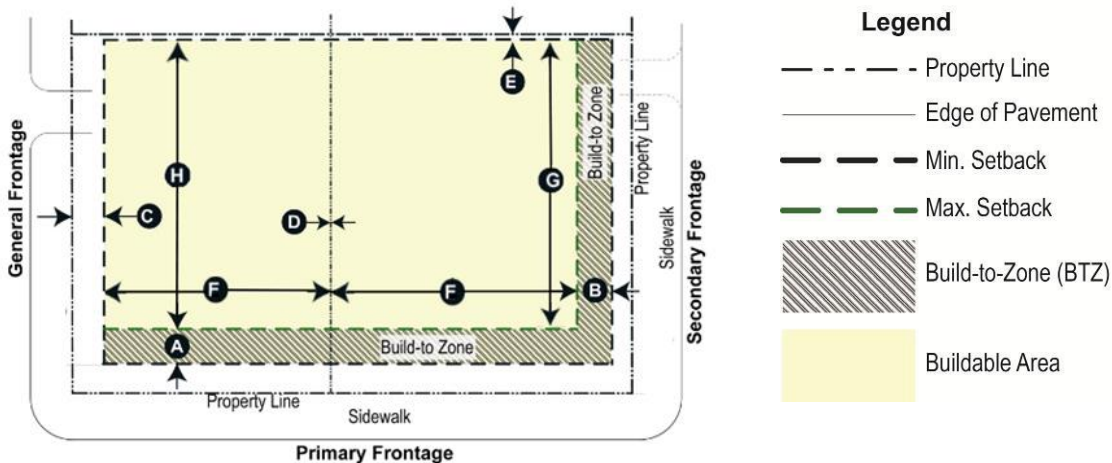


c. Community Facilities District (CF)

The Community Facilities (CF) District is intended for locations at which facilities are provided for governmental, religious, educational, health care, public gatherings, and social services. Sites in the CF district are appropriate for direct access to primarily Arterial, Collector streets and Local Connector Streets. Development standards in this district will require new buildings to create pedestrian friendly building frontages **and generally conform to a Hill Country Design aesthetic**. Uses within this Zoning District include primarily Civic and places of worship.

i. Design Standards

Building Placement



Build to Zones (BTZs)
(Distance from property line to edge of the zone)

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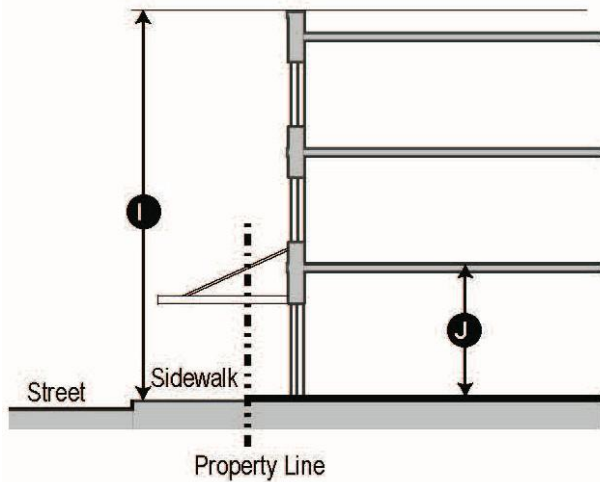
Primary Frontage	20' min. setback – 50' max setback	A
Secondary Frontage	20' min. setback – 80' max. setback	B
General Frontage	20' min. setback; no max. setback	C
Interior Side	20' min; no max. setback	D
Rear	20' min.; no max. setback	E

Building Frontage

Primary Frontage	40% min.	F
Secondary Frontage	20% min.	G
General Frontage	None Required	H

Building Height

Principal Building Standards

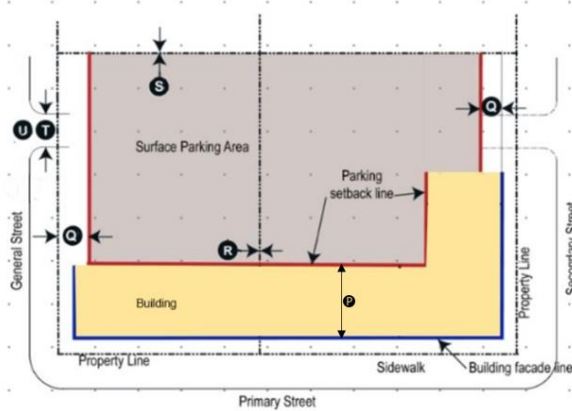


Building Maximum	2 stories or 35' max.	I
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First floor to floor height (fin. Floor to fin. Floor)	12' min. for all buildings with a Secondary Frontage designation 10' min. for all other frontages	J
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Parking & Service Access
Surface Parking Setbacks



Primary Frontage	Shall be located behind the principal building along the street frontage or Min. 10' behind the property line along that street	P
Secondary/ General Frontage	Min. 3' behind the property line along that street	Q
Side	10' min.	R
Rear	10' min.	S

Driveway and Service Access

1. Parking driveway width	Section 6.6 shall apply	T
2. Driveways and off-street loading /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

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.		

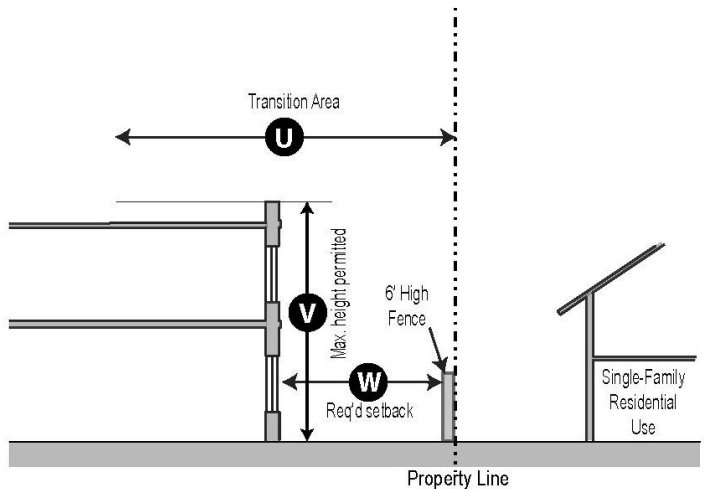


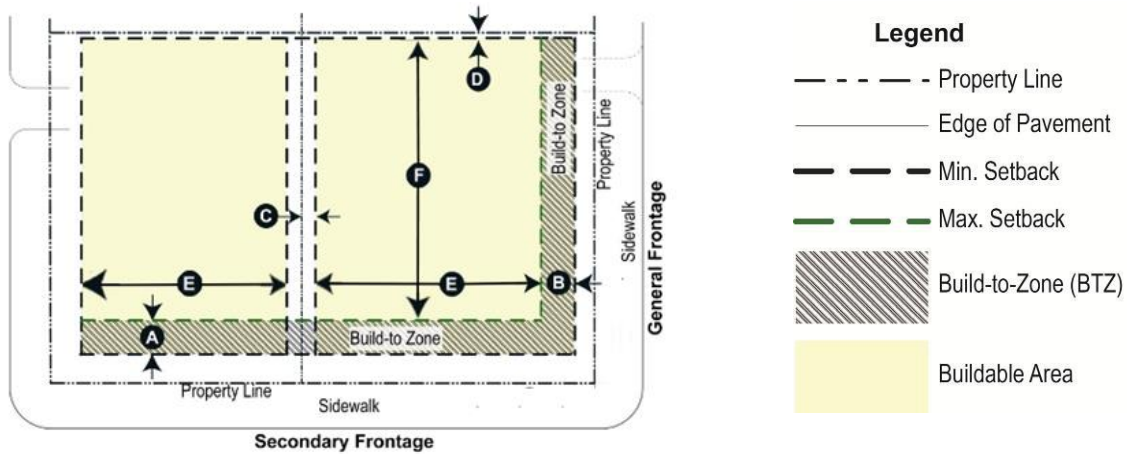
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d. Logistics (LO)

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

i. Design Standards

Building Placement



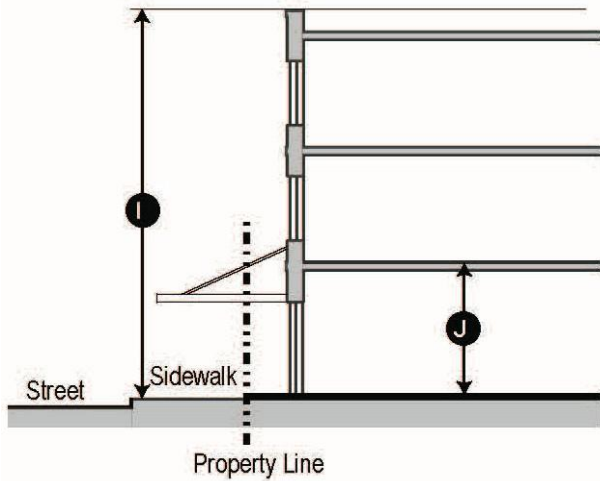
Build to Zones (BTZs)

(Distance from property line to edge of the zone)

Secondary Frontage	30' min. setback – 80' max. setback	E
General Frontage	30' min. setback; no max. setback	F
Side	30' min; no max. setback	A
Rear	30' min.; no max. setback	D
Building Frontage		
Secondary Frontage	50% min.	B
General Frontage	None Required	C

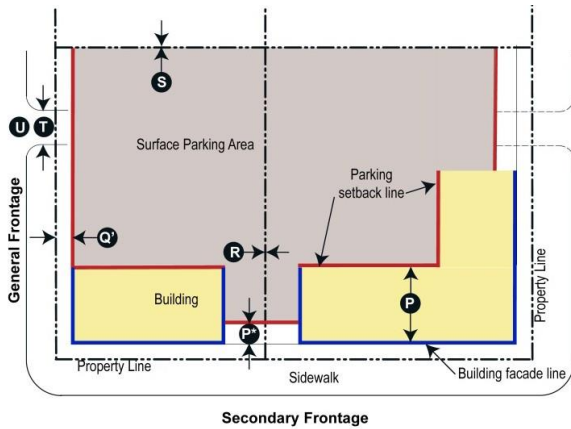
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Building Height
Principal Building Standards



Building Maximum	2 stories or 30' max.	I
First floor to floor height (fin. Floor to fin. Floor)	12' min. for all buildings	J

Parking & Service Access
Surface Parking Setbacks



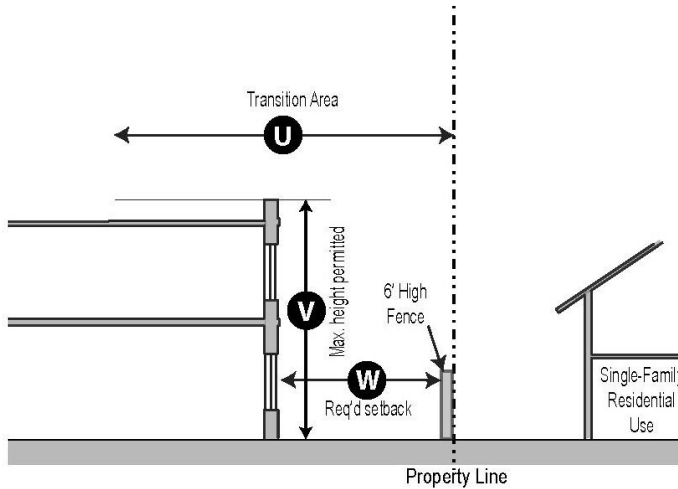
Secondary Frontage	Shall be located behind the principal building along the street frontage or Min. 3' behind the building facade line along that street; If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line.	P
General Frontage	Min. 3' behind the property line along that street	Q
Side	10' min.	R
Rear	10' min.	S

Driveway and Service Access

1. Parking driveway width	Section 6.1 shall apply	T
2. Driveways and off-street loading /unloading standards	Section 6.1 shall apply	U

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Residential Transition Standards		
<p>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</p>		
e. Transition Area	50' min.	U
f. Max. Building Height at within Transition Area	1 story or 20' max	V
g. Required setback	min. 30'	W
<p>h. 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.</p>		



Section 4.10 Conditional Uses

(1) 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.

(2) 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.

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(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 every two (2) rooms. All parking areas on property (except driveways) shall be located behind the primary buildings front façade or must be screened from the view of adjacent residences to a height of six (6) feet by a solid screening fence, or an opaque landscaping screen-dense shrubs and vegetation.

(4) Entertainment

Entertainment uses are permitted in accordance with Table 4.2 and subject to the following standards:

- a. Outdoor entertainment uses adjacent to a residential district shall not create or permit any unreasonably loud noise which disturbs or causes distress to those residents in the surrounding neighborhoods.
- b. A noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from the magistrate or peace officer that the noise is a public nuisance.
- c. Entertainment uses that include regular outdoor activities (twice per month or more) involving live or recorded music within 300 feet of a residence; amplified speaking, music, or sound affects; motors operating at high revolution, or other activities considered by a reasonable person likely to create loud or obnoxious noises to the distress of other residents of the City, shall file a plan in writing with the City outlining what standards and procedures will be followed to prevent violation of Conditions a and b.

(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.
 - 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 [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 6.5 Landscaping Requirements

(1) Applicability.

- a. All residential subdivisions and all non-residential site developments with a total irrigated landscape area exceeding five thousand (5,000) square feet will comply with the standards specified in this Section.

(2) Subdivision Landscaping Requirements

- a. Landscaping and Water Resources Protection for Residential Single-Family Developments. Residential preliminary plans and final plats should conform to the site topography to minimize the amount of grading necessary to achieve a viable street network.
- b. Landscaping and Irrigation Standards for Common Areas within a Subdivision. Common areas are defined as those locations that are not maintained by the homeowner such as but not limited to parks, medians, greenbelts, drainage areas, etc.

(3) Landscaping and Irrigation Standards

- a. Landscape Design Plan. Landscaping and irrigation plans will be designed with the objective of minimizing potable water use. The applicant shall include a sealed statement from an engineer, architect, landscape architect or plumber/irrigationist stating that they have met the provisions in this code. A landscape design plan meeting the following requirements will be submitted as part of the landscape documentation package:
 - i. Plant Selection and Grouping. Plants and Trees to be included in any landscape plan for a site development will be selected from native species that require little irrigation. Recommended species can be found in the Lady Bird Johnson Wildflower Center Native Plant Database or the City of Fair Oaks Ranch Approved Plant List.
 - ii. Mulch. After completion of all planting, all irrigated non-turf areas will be covered with a minimum layer of three (3) inches of mulch to retain water, inhibit weed growth, and moderate soil temperature. Mulch types appropriate to Central Texas low water-use plants and trees will be used.
 - iii. Aesthetic Water Use, Pools and Spas. Recirculation water will be used for any decorative water features. Pool and spa covers are encouraged to reduce evaporation.
- b. Landscape Design Plan Specifications. The landscape design plan will be drawn on project base sheets at a scale that accurately and clearly identifies:
 - i. Watering schematic,
 - ii. Landscape materials, trees, shrubs, groundcover, turf, and other vegetation. Planting symbols will be clearly drawn, and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated,
 - iii. Property lines and street names,
 - iv. Streets, driveways, walkways, and all other paved areas,
 - v. Pools, ponds, channels, other water features, fences, and retaining walls,
 - vi. Existing and proposed buildings and structures including elevation, if applicable.

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- vii. Natural features including but not limited to topography, rock outcroppings, existing trees, and shrubs that will remain,
 - viii. Tree staking, plant installation, soil preparation details, and any other applicable planting and installation details,
 - ix. A calculation of the total landscaped area, and
 - x. Designation of recreational areas.
- c. Irrigation Design Plan. An irrigation design plan, that meets the City of Fair Oaks Ranch Water Conservation requirements (City Ord. 13.06 Water Conservation Plan), and the following conditions will be submitted as part of the Landscape Documentation Package:
- i. Runoff and Overspray. Soil types and infiltration rate will be considered when designing irrigation systems. All irrigation systems will be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, will be used to closely match application rates to infiltration rates to eliminate runoff. Special attention will be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten (10) feet, and in median strips.
 - ii. No overhead sprinkler irrigation systems will be installed in median strips less than ten (10) feet wide.
- d. Irrigation Equipment:
- i. Controllers. Automatic control systems will be required for all irrigation systems and must be able to accommodate all aspects of the design.
 - ii. Valves. Plants that require different amounts of water will be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use will be used in that area. Anti-drain (check) valves will be installed in strategic points to minimize or prevent low-head drainage.
 - iii. Back-Flow Prevention Valves. Back-flow prevention valves will be required on the irrigation system to prevent contamination of the potable water supply. Additional regulations can be found in the City of Fair Oaks Ranch Back-Flow Prevention Ordinance.
 - iv. Rain Sensing Override Devices. Rain sensing override devices will be required on all irrigation systems.
- e. Irrigation Design Plan Specifications. The irrigation design plan will be drawn on project base sheets. It will be separate from, but use the same format as, the landscape design plan. The scale will be the same as that used for the landscape design plan described above. The irrigation design plan will accurately and clearly identify the following fixtures and conditions, as applicable:
- i. Location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices;
 - ii. Static water pressure at the point of connection to the public water supply.
 - iii. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station.
 - iv. Ensure compliance with the City Cross-Connection Control and Backflow Prevention Ordinance.
- f. Irrigation Schedules. Irrigation schedules satisfying the following conditions will be submitted as part of the Landscape Documentation Package:

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Table 6.1 Minimum Landscape Requirements.

Land Use	Landscaping Required (% of total lot)
Rural Residential	-
Neighborhood Residential	25
Existing Residential	20
Mixed Use Village	25
Neighborhood Commercial	15
Community Facilities	15
Logistics	15

- b. Postponement of Landscaping Installation. Required landscaping may be installed following the issuance of a certificate of occupancy; however, the developer will be required to submit a surety and maintain appropriate erosion control measures for water quality throughout the process.

(5) Residential Transition Standards.

- a. Purpose. Residential Transition provides visual screening and spatial separation of two adjoining buildings and areas of activity. Residential Transition is intended to protect the character and stability of residential areas, to conserve the value of land and buildings of the properties and neighborhoods adjacent to non-residential developments, and to enhance the visual and aesthetic image of the City of Fair Oaks Ranch.
- b. Application. Residential Transition is achieved through a combination of any or all of the following: Building height transition, and in the non-building portion of the transition zone opaque landscape screening and fencing.
- c. Transition Landscaping Screening Requirements. ~~Transition—Landscaping—Screening Requirements.~~ Transition requirements can be applied within the required setback. The landscaping methods will be in conformance with other applicable sections of this Code.
- d. Transition Tree Standards. Trees are required in transition areas according as shown in Section 4.6 Zoning Districts and as per the specifications in Appendix B of the UDC:
 - i. Large trees, with a minimum size of two (2) inch diameter measured at a point four (4.5) feet above the ground at planting, are required to fill 40% to 60% of the transition screening requirement.
 - ii. Small trees or large shrubs are required to fulfill from no less than twenty percent (20%) to no more than forty percent (40%) of the required number of trees.
 - iii. Evergreen trees are required to fulfill at least fifty percent (50%) of required trees planted.
 - iv. Trees will be distributed along the entire length of the buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes may be approved as a part of the site development plan.
 - v. Existing trees may be substituted for required trees (buffer) if they are shown on the site development plan to be in healthy condition and in compliance with the tree type and location requirements of this Code.

- e. Transition Shrub Standards: Evergreen shrubs, a minimum of eighteen (18) inches in height, of a variety that can be expected to reach four to five (4-5) feet in height within three to five (3 to 5) years of planting as shown in Section 4.6 Zoning Districts:
 - i. Shrubs will not normally be planted closer than three (3) feet on center. Additionally, shrubs will not normally be planted closer than six (6) feet to planted trees, nor within the drip line of existing, protected trees. Shrubs will be distributed along the entire length of the buffer.
 - ii. Variations in quantities may be approved as part of the site development plan when larger plants are provided.

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;~~
- c. Building facades shall include appropriate architectural details and ornament to create variety and interest;
- d. 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
- e. Designs increase the quality, adaptability, and sustainability in Fair Oaks Ranch's building stock.

7.5 Building Design Standards

(1) Building Orientation and Entrances

- a. Corner Building Facade: Corner building street facades along intersections of Primary Frontages and Secondary Frontages shall be built to the setback zone for a minimum of 20' from the intersection along each street or the width of the corner lot, whichever is less regardless of the building frontage percentage required along that street. This requirement shall not prohibit incorporation of curved, chamfered building corners or recessed entries, or civic/ open spaces at such intersections. In addition, this standard shall apply regardless of the frontage requirements along the intersecting street even if it is a General Street.
- b. Corner Building Height Allowance: Corner buildings may exceed the maximum building height by 25% along no more than 20% of the building's frontage along each corresponding street facade.
- c. Buildings shall be oriented towards Primary Frontages, where the lot has frontage along a Primary Frontage. If a building has no frontage along a Primary Frontage, then it shall front a Secondary Frontage. All other buildings may be oriented towards General Frontage Streets or Civic Spaces. The types of Frontages are indicated on the Official Zoning Map.
- d. Primary entrances to buildings shall be located on the street along which the building is oriented

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(See Figure 7-1). At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. Building entrances shall be provided for all separate ground floor commercial use tenant spaces that are located along Primary or Secondary frontages.

- e. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.
- f. Primary Entrance Design: Primary building entrances along Primary Frontages and Secondary Frontages shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street (see Figures 7-2):
 - i. Architectural details such as arches, awnings, canopies, arcades, tile work, moldings, lintels, pediments, columns, porticos, porches, overhangs, railings, and others such elements as appropriate, or;
 - ii. Integral planters or wing walls that incorporate landscape, courtyard or seating elements, or;
 - iii. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets, or;
 - iv. A repeating pattern of pilasters projecting from the Facade wall by a minimum of eight inches or architectural columns.

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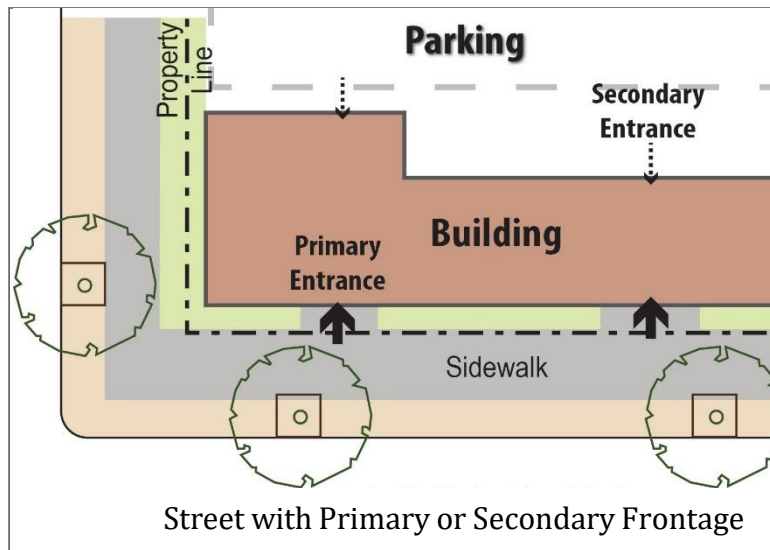


Figure 7-1 Figure showing required building orientation and location of primary entrances



Figures 7-2 Examples of Primary Entrance Designs

- g. Courtyards. Buildings will be designed to face the street, rather than internal drives and parking yards; provided, however, that courtyards may exist within or between buildings, and buildings may open up to the courtyard. In such cases, the front facade of the building must nonetheless address the street as described above. All entrances and exits will have a continuous pedestrian walkway that is connected to a public sidewalk on the primary street and intersecting secondary streets.

(2) Facade Composition

- a. Buildings shall maintain the traditionally prevalent facade rhythm of 20 feet – 30 feet.
- b. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building Facade. (See Figures 7-3):
 - i. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not more than 30 feet; or;

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- ii. The construction of building entrances, bay windows, display windows, storefronts, arcades, facade relief, panels, balconies, cornices, bases, pilasters, or columns.
- c. Building facades shall be designed with a distinct base, middle, and top.
- d. For retail storefront buildings, a transom, display window area, and bulkhead at the base shall be utilized (see Figure 7-4).



Figure 7-3 Illustration showing building articulation requirement



Figures 7-4 Images showing examples of appropriate storefront design

- e. Infill buildings shall maintain the alignment of horizontal elements along the block (Figure 7-5 6.8).



Figure 7-5 Figure showing how horizontal elements should match in the design of infill buildings.

- f. Corner emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts to add pedestrian interest (Figures 7-6).

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Figures 7-6 Buildings with architectural features and storefront elements that add interest along the street.

(3) Facade Transparency Required:

The Following standards are recommended for all non-single family residential buildings.

- a. All ground floor front facades of buildings along designated Primary and Secondary Frontages shall have windows with a Visible Transmittance (VT) of 0.6.
- b. All facades shall meet the minimum requirement for Facade transparency (percentage of doors and windows) as established in Table 7.1 below. Ground floor windows and doors along Primary and Secondary facades shall have a Visible Transmittance (VT) of 0.6 or higher. Example shown in Figures 7-7.

Table 7.1 Required Minimum Facade Transparency by Facade Frontage Type

Facade Frontage Type	Primary or Secondary Frontage	General Frontage/All Other Facades
Non-Residential, Commercial or Mixed use Buildings		
Ground Floor	40% (min.)	None
Upper Floor(s)	25% (min.)	None
Multifamily Buildings		
Ground Floor	25% (min.)	None
Upper Floor(s)	20% (min.)	None
Upper Floor(s)	20% (min.)	None



Figures 7-7 Images showing appropriate transparency required along Primary and Secondary Frontages

(4) Residential Use Buildings

- a. At least one of the following shall be added along residential building facades to add pedestrian interest along the street:
 - porches,
 - stoops,
 - eaves, or
 - balconies
- b. If a residential use building is setback less than 10 feet from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10 feet or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (no higher than 3 feet) shall be provided at the front property line.
- c. Windows and Doors: All building facades of residential use buildings shall meet the transparency requirements established in Table 7.1.

(5) Roofs and Other Coverings

- a. The following types of roofing materials and designs are prohibited:
 - i. Mansard roofs and canopies without a minimum vertical distance of eight (8) feet and at an angle not less than twenty-five (25) degrees, and not greater than seventy (70) degrees;
 - ii. Roofs less than or equal to a two-to-twelve (2/12) pitch unless they utilize full parapet coverage; and
 - iii. Back-lit awning used as a mansard or canopy roof.

(6) Shading Requirement

Shading of public sidewalks, especially, sidewalks located along Primary frontages shall be important to implementing the vision for walkable mixed use nodes in Fair Oaks Ranch. Shading may be achieved through any combination of canopies, awnings, street trees, and other similar devices. To this end, the following standards shall apply (see Figure 7-8):

- a. Shaded sidewalk shall be provided alongside at least:
 - ii. 50 percent of all building facades with a Primary Frontage designation per the Zoning Map (Appendix A).
 - iii. 25 percent of all building facades with frontage along an off-street surface parking lot
- b. When adjacent to a surface parking lot, the shaded sidewalk shall be raised above the level of the parking lot by way of a defined edge, such as a curb. ADA ramps along the building must also be shaded.
- c. A shaded sidewalk must meet the following requirements:
 - i. Along a street, a shaded sidewalk shall comply with the applicable sidewalk standards for its designated street type. If not otherwise required, the shaded sidewalk shall provide trees planted no more than 30 feet on center;
 - ii. Along any surface parking adjacent to the building (both off-street or on street), the shaded sidewalk shall consist of a minimum 5-foot clear zone and 5 foot planting zone, planted with trees no more than 30 feet on center, or a 5 foot clear zone with a minimum 5 foot wide overhead weather protection;

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- iii. Building entrances along Primary and Secondary frontages shall be located under a shade device, such as an awning or portico.



Figure 7-8-Images showing examples of shading along sidewalks

(7) Exterior Building Materials

Building Material Finishes:

- a. Pursuant to Texas Government Code Chapter 3000, all building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.
- b. Existing Buildings. Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of the same.
- c. Prohibited Fencing Materials. Use of chain link fencing or fencing made from materials not originally intended for use in constructing a fence (i.e. plywood, particleboard, corrugated metal sheets, railroad ties, door panels and other makeshift materials) is prohibited, including use around water quality and storm water detention facilities. Electrically charged, barbed wire and razor wire fences are prohibited, except when serving a public or quasi-public institution for public safety or security purposes, and temporarily securing construction vehicles and materials on a construction site. Exceptions are Wrought iron, tubular aluminum and other decorative metal fencing is recommended.

(8) Integration of usable public space

Commercial or Mixed Use Developments containing multiple leasable or owner-occupant spaces with a gross leasable area in excess of twenty thousand (20,000) square feet will include or be adjacent to a community green, plaza or a square. This area will be at least ten percent (10%) of the size of the gross leasable area and will contribute to the required non-impervious area. The Commercial Center and the community green or plaza or square will be combined and developed to create a neighborhood focus.

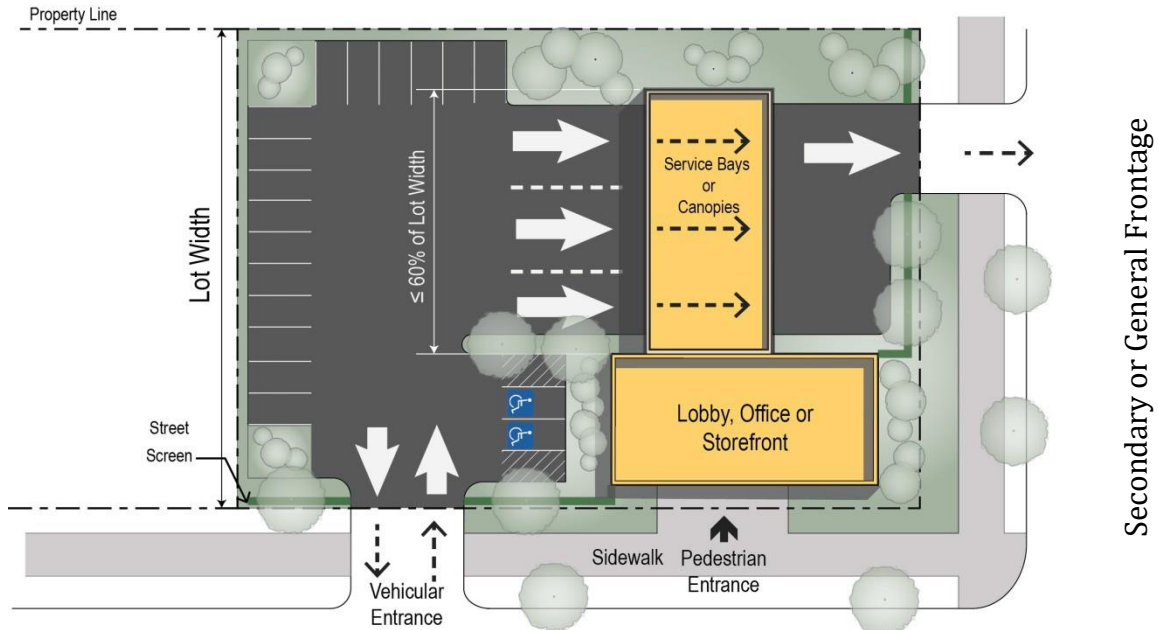
(9) Design of Automobile Related Building and Site Elements

- b. 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

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screen living and primary building material screen.

- c. 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.

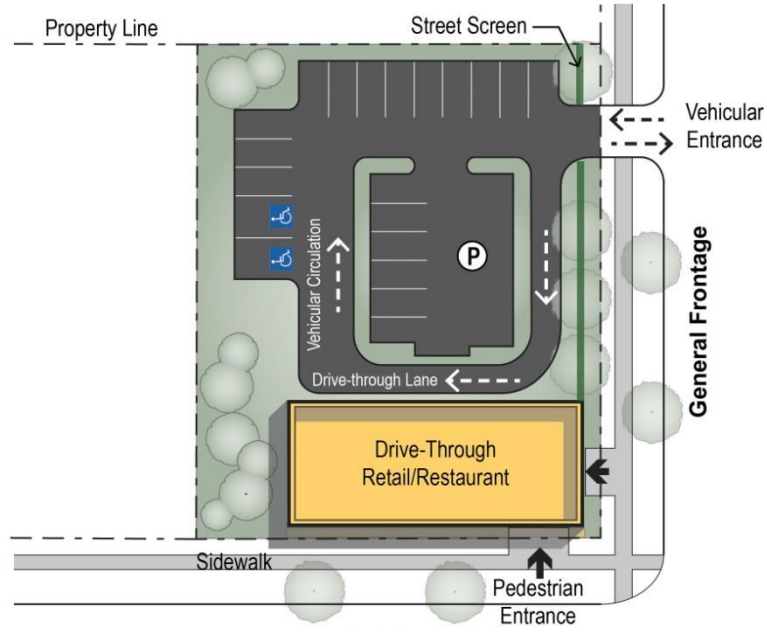


Primary or Secondary Frontage

Figure 7-9-Image illustrating the appropriate design of auto-related site elements (Gas stations, auto-service uses, and bank drive-throughs)

- d. 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.
- e. 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 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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Primary or Secondary Frontage

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

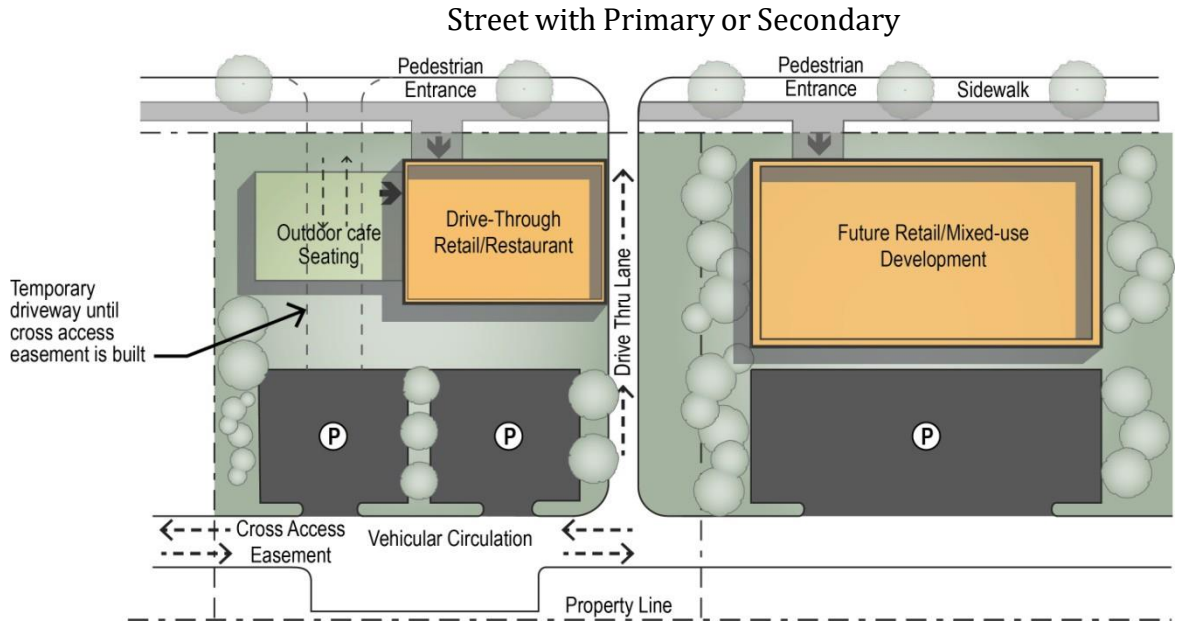


Figure 7-11 Image illustrating the appropriate design of retail/restaurant drive throughs (Interior Lot)

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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 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.

7.7 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.

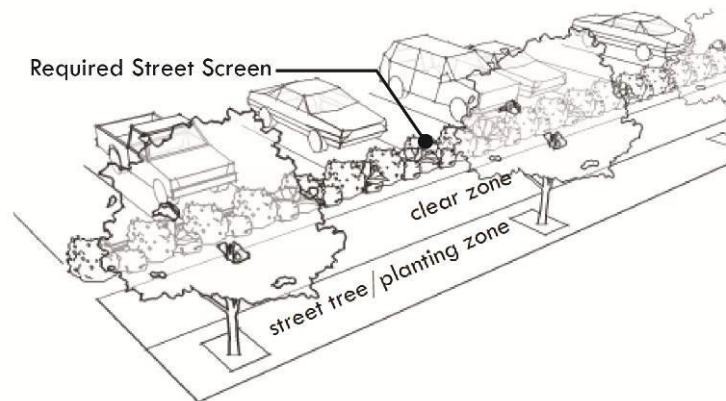


Figure 7-16 Illustration showing required Street Screen along all frontages with surface parking in the setback zone.

(2) Screened Outside Devices

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 landscaping.

- a. Ground Floor Mechanical Equipment and Ground Floor Storage. Ground floor mechanical

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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.

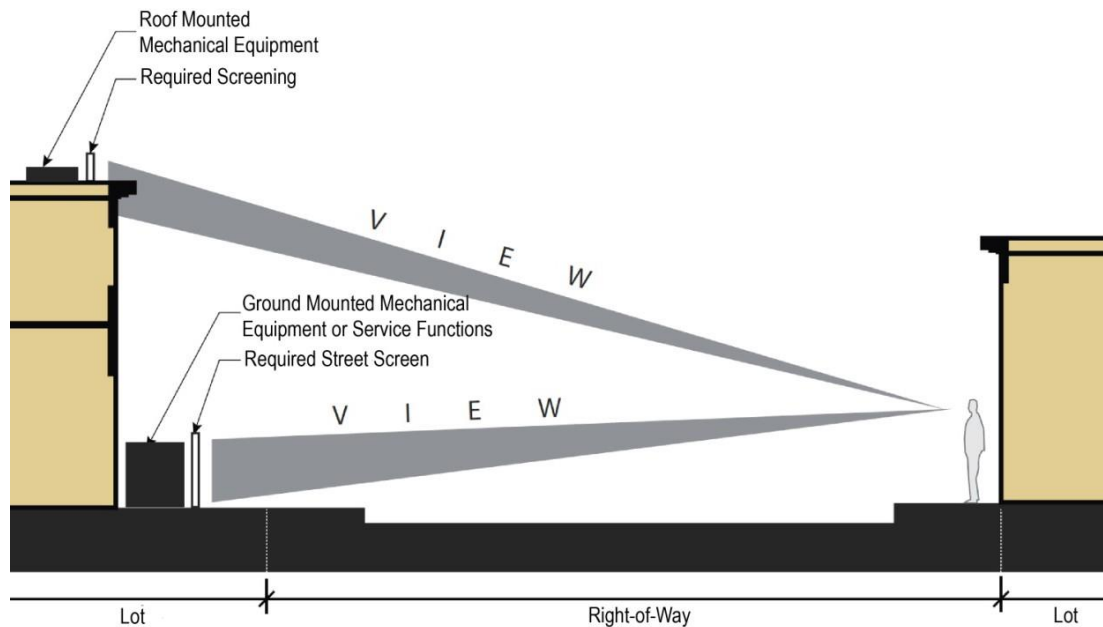


Figure 7-17 Illustration showing required screening of roof and ground mounted equipment.

- e. Locations on private property must be found for switchgear and transformer pads needed to serve that property. Such locations shall be either along General Frontages or at the side or rear of the property and screened from view of a person standing on the property line on the far side of any adjoining street.

Section 11.1 Purpose and Applicability

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- (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

The following regulations apply to all antenna facilities and antennas located within any district within the incorporated city limits

- a. **Applicability.** Except as specifically provided, all new Telecommunications Towers or Antennas in the City will be subject to the regulations contained in this Code. Preexisting Towers or Antennas lawfully in existence prior to the adoption of this Code will not be required to meet the requirements of this Code, other than those contained in Sections 11.1(2)h-k below. Additional regulations for the districts identified in Table 11.1 can be found in Section 11.3.

Table 11.1 Types of Communication Facilities

Type of Facility	Building Per	Special Exce
Satellite Receive Only < 1 yard	No	No
Satellite Antenna > 1 yard in Commercial Area	Yes	No
Satellite Antenna > 1 yard in Residential Area	Yes	Yes
Amateur Radio Antenna Complying with Height Limits	Yes	No
Amateur Radio Antenna Exceeding Height Limits	Yes	Yes
Television Antennas	No	No
Level 1 Stealth Facility in NRD, RD, or WC District	Yes	No
Level 2 Stealth Facility in NRD or WC District	Yes	No
Level 2 Stealth Facility in RD District	Yes	Yes
Level 3 Stealth Facility in NRD or WC District	Yes	No
Level 3 Stealth Facility in RD District	Yes	Yes
Level 4 Stealth Facility in NRD, RD, or WC District	Yes	No

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Monopole Tower up to 120 Feet in Height in NRD or WC District	Yes	Yes
Monopole Towers In RD Districts or Over 120 Feet Tall	Yes	Yes

- 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.
- c. Driveway Surfaces. All Telecommunication Tower Facilities must have an access drive that is constructed of asphalt or concrete. One (1) off-street parking space must be provided at each telecommunication tower facility.
- d. Lights. No outdoor lighting will be allowed on any Antenna Facility except lights or lighting that are by required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- e. Antenna Facility Capacity. All new Antenna Facilities must be structurally designed to allow for at least two (2) sets of antennas.
- f. Tower Types. Only monopole, alternative mounting structures or stealth towers are permitted in the City.
- g. Prohibited in Easements. Antenna facilities will not be placed in easements unless authorized by the easement holder.
- h. Construction Standards. A building permit must be obtained prior to the construction or installation of any Antenna Facility. An Antenna Facility must be installed according to the manufacturer’s recommendations and under the seal of a professional engineer registered in the State of Texas. Additionally, all Antenna Facilities will comply with applicable state and local building codes.
- i. Building Codes / Safety Standards. To ensure the structural integrity of Antenna Facilities, the owner of an Antenna Facility must ensure that it is maintained in compliance with all provisions of the City’s building codes and zoning regulations. If upon inspection, the City concludes that an Antenna Facility fails to comply with such codes and regulations or constitutes a danger to persons or property, then upon written notice to the owner of the Antenna Facility, the owner will have thirty (30) days to bring such tower into compliance with applicable standards. Failure to bring such tower into compliance will constitute grounds for the removal of the Antenna Facility at the owner’s expense. This notice requirement will not preclude immediate action by the Building Official as allowed by law if public safety requires such action.
- j. Contained on Property. No part of an Antenna Facility, antennas, or other attachment may extend beyond the property lines or required building lines of the lot on which the antenna or Antenna Facility is located.
- k. State or Federal Requirements. All Antenna Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners

of the towers and antennas governed by this Ordinance will bring such towers and antennas into compliance with such revised standards and regulations within 180 consecutive days of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency.

- l. Variance Requirement. A variance granted by the City Council, pursuant to Section 3.9(9), Variance, of this Code, is required for an antenna or Antenna Facility that will not comply with the requirements of this Chapter, unless otherwise specified herein.
- m. Height Limitations. Unless otherwise stated herein, the maximum height of any antenna or Antenna Facility will not exceed ten feet (10') above the maximum height limitation applicable for the zoning district.
- n. Damaged or Deteriorating Components. Components that pose a safety risk to the public due to damage or deterioration shall be corrected within 48 hours of notification by the City.

Section 11.2 Antennas

(1) Amateur Radio Antenna and TV Antennas

- a. Zoning Districts. Amateur Radio Antenna and TV Antennas are allowed as accessory uses in all zoning districts, and in any residentially zoned Planned Development.
- b. Compliance. Amateur Radio Antennas and TV Antennas must comply with the following regulations:
 - i. Antenna Location. Amateur Radio Antennas and TV Antennas can only be located on a roof or in the back yard of a residence;
 - ii. Number of Facilities Per Lot. No more than one (1) TV Antenna and one (1) Amateur Radio Antenna are permitted on each lot. Amateur Radio Antennas are only permitted for operators that have an amateur radio operator license from the FCC and the operator must provide the City proof of a current FCC license before an Amateur Radio Antenna is installed or maintained on a lot;
 - iii. Height Limitations. An Amateur Radio Antenna or TV Antenna cannot extend more than eight (8) feet above the maximum height limitation applicable for the zoning district; and
 - iv. Setbacks. Amateur Radio Antennas or TV Antennas are not permitted within any required setback area.

(2) Satellite Receive Only Antennas Less Than One Yard in Diameter

- a. Zoning. Satellite dish receiving antennas, one (1) yard or less in diameter will be permitted as an accessory use in all zoning districts, and in any residentially zoned Planned Unit Development.
- b. Compliance. Satellite Receive Only Antenna must comply with the following regulations:
 - i. Antenna Location. Satellite Receive Only Antenna less than one (1) yard in diameter can only be located on a roof or in the back yard of a residence;
 - ii. Number of Facilities Per Lot. No more than one (1) Satellite Receive Only Antenna less than one (1) yard in diameter is permitted on each lot;
 - iii. Height Limitations. A Satellite Receive Only Antenna less than one (1) yard in diameter cannot extend more than eight (8) feet above the maximum height limitation applicable for the zoning district; and
 - iv. Setbacks. Satellite Receive Only Antennas less than one (1) yard in diameter are not permitted within any required setback area.

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(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.

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Section 13.2 Words and Terms Defined.

For the purpose of this UDC, certain terms and words herein will be defined as follows:

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.

Outdoor Lighting. Nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.

Street Screen. Is a freestanding wall or living fence or combination fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



Image of a combination masonry and opaque landscape living street screen

Street Wall. Indicates the creation of a “wall” or a sense of enclosure along the street with buildings placed immediately adjacent to the street/sidewalk. A street wall has a “void” if there is a surface parking lot or service area adjacent to the sidewalk/street.

Structure. Anything constructed or erected, other than a fence or retaining wall, which requires location

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

Subdivider. See Developer.

Subdivision. A division of any tract of land located within the corporate limits or in the extraterritorial jurisdiction of The City of Fair Oaks Ranch into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. A subdivision includes a division of a tract regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. Subdivision includes Resubdivision but does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Subdivision Sign. See Signs, Subdivision.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surveyor. See Professional Surveyor.

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

Temporary Outdoor Lighting. Lighting for a specific unusual purpose of an outside area or object by any manmade device that produces light for a period of less than seven days, with at least 30 days passing before being used again.

Temporary Sign. See Signs, Temporary.

Temporary Uses. See Uses, Temporary.

Texas Commission on Environmental Quality (TCEQ). Applies and ensures environmental regulations are upheld based on state statutes and sound science. This Code will reference TCEQ regulations and standards pertaining to, but not limited to, stormwater permits, water and wastewater utilities, and Edwards and Trinity Aquifer recharge zones.

Texas Manual on Uniform Traffic Control Devices (TMUTCD). The TMUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways,

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bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

Texas Pollutant Discharge Elimination System (TPDES) Stormwater Discharge Permit. A stormwater discharge permit is a permit issued by the Texas Commission on Environmental Quality (TCEQ) that authorizes the discharge of pollutants within the state to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

Towers:

- **Alternative Structure.** Clock towers, steeples, light poles and similar alternative- design mounting structures that camouflage or conceal the presence of antennas or towers. See also the definition of "stealth facility."
- **Monopole.** A self-supporting tower facility composed of a single spire used to support telecommunication antennas. Monopole towers cannot have guy wires or bracing.
- **Preexisting.** Any Tower for which a building permit or Special Exception has been properly issued prior to the effective date of this Ordinance, including permitted towers that have not yet been constructed so long as such approval is current and not expired.
- **Telecommunications.** Any structure that is designed and constructed for the purpose of supporting one or more antennae used for the provision of commercial wireless telecommunications services. This definition includes monopole towers, alternative mounting structures or any other vertical support used for wireless telecommunications antennae. This definition does not include commercial radio or television towers; nor does it include such things as Satellite Receive Only Antenna or Amateur Radio Antennas.

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

Traffic-Control Sign. See Signs, Traffic-Control. **Trailer Sign.** See Signs, Vehicular and Trailer. **Trails.** See Open Space.

Tree Circumference (TC). Tree DBH is the outside bark diameter at 4 1/2 feet above the ground. For the purposes of determining breast height, the ground includes the dirt layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

Trespass Lighting. Light emitted by a luminary which falls outside the boundaries of the property on which the luminary is sited.

Undeveloped Tract. Land within the city limits or ETJ of Fair Oaks Ranch that is unplatted on the date the Subdivision Ordinance was amended to include tree and habitat protection regulations.

United States Geological Survey (USGS) Benchmarks. USGS Benchmarks are points of reference by which something can be measured. In surveying, a "bench mark" (two words) is a post or other permanent mark established at a known elevation that is used as the basis for measuring the elevation of other topographical points.

User. A person having facilities within a public right-of-way.

Uses:

- **Accessory.** A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building, and located on the same lot as the principal use. An accessory use will not be permitted without the principal use to which it is related.

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- **Conditional (P/C).** Some uses require supplemental regulations in addition to all other applicable regulations of this Code. A conditional use is permitted by right and approval by City Council is not required, provided that it meets the *conditional* use standards found in Section 4.9, as well as the other applicable regulations of this Code.
- **Nonconforming.** Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this UDC when it is adopted, or when any amendments thereto, take effect.
- **Permitted or Use by Right (P).** A use by right or permitted use is a use specifically authorized in a particular zoning district. A Permitted use by right is subject to all other applicable regulations of this UDC.
- **Special (S).** A Special Use Permit is allowed only if approved by City Council in accordance the standards found in this Code.
- **Temporary.** A temporary use allows short-term activities that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature, such as model homes and construction oversight offices.

Vacation. The termination of, or termination of an interest in, an easement, right-of-way, or public dedication of land.

Variance. Formal approval to depart from the strict application of the provisions of this Code, as provided in Chapter 3 of this UDC.

Vehicular Sign. See Signs, Vehicular.

Vested Right. The entitlement to develop enjoyed by a project because of the fact that the city issued a development order or permit for the project prior to the effective date of this Code. Additional criteria related to vested rights may be found in Section -- of this Code. There are two types for vested rights:

- **Common Law Vested Rights.** Common Law Vested Rights recognize that where Owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire “vested rights” or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
- **Statutory Vested Rights.** Statutory Vested Rights were created to ensure that changes in land use regulations could not be applied to development projects already in progress. This protection ends if a project becomes dormant or if the project permit lapses.

Violation. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations] is presumed to be in violation until such time as that documentation is provided.

Voting Period. 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. Early voting is as defined in Section 85.001 of the Texas Election Code (TEC).

Wall Painted Signs. See Signs, Wall Painted.

Wastewater System. A wastewater collection, treatment, and disposal system designed to serve two or more wastewater generating units on separate lots in a subdivision or a system that is connected to another

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system for collection, treatment, and disposal of wastewater. A wastewater system may include, for example, pumping stations, forced mains, treatment facilities, and other appurtenances required to adequately serve the area being subdivided.

Watercourse. Any channel through which water flows; can be natural or man-made, open on the surface or enclosed underground (such as in a culvert) and generally occurs naturally and serves to drain the land and assist in supporting animal and flower life.

Water Distribution System. Those facilities (tanks, pumps, pipes, valves and meters) that deliver treated, potable water to FORU water customers.

Water, Domestic Water Use. Water used for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, or sanitation, or for cleaning a residence, business, or institution.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water System. A water system treatment and distribution designed to serve two or more units on separate lots in a subdivision or a system that is connected to another system for the treatment and distribution of water. A water system will include, for example, all pumping station production facilities, elevated storage tanks, fire hydrants and other appurtenances required to adequately serve the area being subdivided.

Zoning Districts:

- Community Facilities District (CF). The Community Facilities District is intended for locations at which facilities are provided for governmental, religious, educational, health care, social service, and special facilities.
- Existing Residential 1 (R1). The Existing Residential 1 (R1) category governs the most dense existing residential types with lot sizes generally under 0.3 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.
- Existing Residential 2 (R2). The Existing Residential 2 (R2) category governs the low density existing residential lots with lot sizes generally between 0.3 acres and 1.3 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.
- Existing Residential 3 (R3). The Existing Residential 3 (R3) category governs the existing rural residential lots with lot sizes generally between 1.3 acres and 5 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.
- Existing Residential 4 (R4). The Existing Residential 4 (R4) category governs the existing ranchette lots with lot sizes generally over 5 acres. Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.
- Logistics (LO). The Logistics District (LO) is intended to provide an area for appropriately scaled office-warehouse and what is sometimes called light industrial/commercial uses at discrete locations in the City.
- Mixed Use Village (MU). The Mixed Use Village District indicates areas within the City of Fair Oaks Ranch

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where the City encourages a mixture of uses that create pedestrian scaled commercial and residential development at major nodes in the City. ~~that generally conform to a Hill Country Design aesthetic.~~

- Neighborhood Commercial District (NC). The Neighborhood Commercial District (NC) is intended to provide areas for commercial activity and certain other activities that are relatively compatible with residential areas or is located within residential neighborhoods.
- Neighborhood Residential (NR). The Neighborhood Residential District serves as the residential district for areas where low to medium density development is appropriate in Fair Oaks Ranch. The district accommodates most housing needs by allowing for housing types and contextual development standards and provides Fair Oaks Ranch with a variety of housing that ensures effective community development.
- Rural Residential (RR). The Rural Residential District zoning district is a residential district that includes land subdivided for single-family residential purposes and associated uses. The lots are generally large (or have a large average size inclusive of conservation areas), and are generally not served by urban infrastructure. This district is intended to retain a rural character.
- Open Space (OS). Open Space serves to preserve the rural aesthetic and ensure preservation of land for environmental stewardship. These areas may be owned and operated by a government entity such as the City of Fair Oaks Ranch, a private entity or protected through private covenant and managed by a homeowner's entity such as FORHA.
- Planned Unit Development (PUD). The purpose of the Planned Unit Development District (PUD) is to promote development that is more flexible, allows clustering, different lot sizes, that may more sensitive to the natural environment, can create a significantly enhanced natural setting and/or sense of place, or otherwise enhances the spirit, design character and pattern of development called out in the Comprehensive Plan for Fair Oaks Ranch. A PUD may be used to permit new or innovative concepts in and mixtures of land uses not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate. A PUD is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD, or proposes mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a General Development Plan from the property owner.
- Overlay District. An overlay zoning district is a zoning district that establishes regulations that combine with the regulations of an underlying (base) zoning district. The purposes of an overlay district will be to prohibit uses otherwise allowed in the base district, to establish additional or different conditions for such uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district. Adoption of the overlay district does not repeal the base zoning district and all regulations contained in the base zoning district will remain applicable to the uses allowed in the overlay district, except as expressly varied in the regulations of the overlay zoning district. In addition, special standards set forth in the adopting ordinance will apply to all development within the district.

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