



PLANNING & ZONING COMMISSION WORKSHOP

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Unified Development Code Amendments related to Statutory and Regulatory Changes and Mixed Use Village Zoning District.

MEETING DATE: December 7, 2023

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Grant Watanabe, Director of Public Works and Engineering
T. Daniel Santee, City Attorney

BACKGROUND:

During the past two years the Planning and Zoning Commission (P&Z) worked with City staff and the City planning consultant to amend the current Unified Development Code (UDC). The P&Z held a series of work sessions to discuss the diagnostic findings and to provide a comprehensive recommendation to the City Council. Below summarizes the process to date:

- Upon the completion of the P&Z Commission chapter-by-chapter review, a final redline and a clean version of a proposed amended UDC were produced.
- On July 13, 2023, the P&Z Commission held a public hearing on Chapters 1-3. The City Council held its public hearing on August 17.
- On September 7, 2023, the City Council adopted the ordinance for Chapters 1-3 after the second reading of the UDC Amendment.
- On August 10, 2023, the P&Z Commission held a public hearing on Chapters 4-5. City Council held its public hearing on September 7.
- At the conclusion of the City Council's public hearing on Chapter 4-5, the Council returned the UDC to the P&Z to rework the amendments to address regulatory and statutory changes and items needing immediate attention.
- At P&Z's September 14, 2023, meeting, Mayor Maxton provided additional guidance on advancing the amendments. He noted, unlike the previous steps, the City Council would hold workshops on each of the proposed amendments prior to holding public hearings.

Step 1 Bring forth statutory and regulatory changes inclusive of updates driven by state or federal law and any items needing immediate attention, such as the Mixed Use Village Zoning District.

Step 2 Bring forth policy recommendations per topic such as Conservation Development Alternative, Fencing, Setbacks and Landscaping.

Step 3 Bring forth any proposed language changes.

The City Attorney and staff identified and resolved the regulatory and statutory changes and

proposed an amended UDC along with a summary report of changes. Both documents were posted on the City's website. On November 9th, the P&Z Commission held a workshop at which they reviewed the amendments. Some pertinent legislative updates include:

- The plat filing date is now defined as the date the applicant submits a completed plat application including fees to the City (Sections 3.4 and 3.5 of the UDC).
- The City may not control conveyance of property in the manner currently stated in the UDC but can withhold permits until the property owner complies with specific requirements (Section 3.8 (1)(d)).
- Vested rights reflect the requirements of LGC 245 such as projects expire five years or later and permits expire two years or later (Section 4.2 (2)).
- City can no longer regulate specific building material finishes (Section 7.5 (5)) and must adhere to Texas Government Code Chapter 3000.

Additionally, the P&Z Commission recommended updating the definition of Permitted Uses – Mixed Use Village Zoning District found at the bottom of Table 4.2 (Permitted Uses) in Chapter 4; Section 4.9 to “Permitted as part of a mixed use development that contains residential and nonresidential components within a single, unified development. The residential component of any type based on acreage in total shall not exceed thirty (30) percent of the entire development.”

The purpose of tonight's workshop is for the City Council to review the recommended statutory and regulatory amendments. Following the workshop, the next step is for the Planning and Zoning Commission to hold its public hearing on December 14, 2023. The City Council will hold its public hearing on December 21, 2023. All statutory Notice of Public Hearings will include newspaper publication and posting on the City website. Affected parties in mixed use village zoning district properties also will receive notice via USPS.

Attachments

Exhibit A – Summary of Report Changes

Exhibit B – Proposed Amended UDC

LEGAL ANALYSIS:

Legal provided the statutory and regulatory amendments.

RECOMMENDATION/PROPOSED MOTION:

At the conclusion of the workshop, staff and legal will be looking for Council's authority to prepare the necessary amended document for the public hearings.