



CITY COUNCIL PUBLIC HEARING CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: The City of Fair Oaks Ranch City Council will conduct a public hearing to receive public testimony on proposed Unified Development Code amendments related to Statutory and Regulatory Changes.

MEETING DATE: December 21, 2023

DEPARTMENT: Public Works and Engineering Services

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

BACKGROUND:

During the past two years the City Council worked with the Planning & Zoning Commission (P&Z), City staff and the City planning consultant to amend the current Unified Development Code (UDC). Below summarizes the events to date:

1. The P&Z Commission performed a chapter-by-chapter review, and upon completion produced a final redline and a clean version of the proposed amended UDC.
2. The P&Z Commission and City Council held public hearings on Chapter 1-3:
 - a. July 13, 2023 – P&Z Commission
 - b. August 17, 2023 – City Council
3. On September 7, 2023, the City Council approved the UDC Chapters 1-3.
4. The P&Z Commission and City Council held public hearings on Chapters 4-5:
 - a. August 10, 2023 – P&Z Commission
 - b. September 7, 2023 – City Council
5. At the conclusion of the City Council’s public hearing, the Council returned the UDC to the P&Z to rework the amendments to address regulatory changes and items needing immediate attention.
6. At the P&Z’s September 14th meeting, Mayor Maxton provided additional guidance on advancing the amendments to include the following:
 - a. Bring forth statutory and regulatory changes inclusive of updates driven by state or federal law and any items needing immediate attention, such as Mixed Use Village Zoning District.
 - b. Bring forth policy recommendations per topic such as Conservation Development Alternative, Fencing, Setbacks and Landscaping.

- c. Bring forth any proposed language changes.

The P&Z reviewed the regulatory and statutory changes and proposed amendments at its November 9th workshop. 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)).
- The City can no longer regulate specific building material finishes (Section 7.5 (5)) and must adhere to Texas Government Code Chapter 3000.
- The City can no longer regulate zoning in its Extraterritorial Jurisdiction (ETJ) – (several sections)
- Cities can no longer require developers to dedicate land for public infrastructure or complete public infrastructure unless it is already funded in an approved capital improvements plan (Sections 3.2, 5.6, and 9.2(5)).

They also recommended the following clarifications to the UDC:

- Clarifying a clerical error that both the P&Z and Council will require public hearings on zoning changes, although they do not have to be joint public hearings (Section 4.4(1)(c)).
- Clarifying for all zone types that the City does not enforce deed restrictions and HOA regulations (several sections).
- Clarified flag lots will not be approved and must go through the variance process (Section 5.4(4)).
- Amended parking lot compliance for ADA Standards to reference federal statutes (Section 6.7(10)). The final draft also references Texas Accessibility Standards (TAS).

The City Council reviewed the UDC at its December 7th Regular Meeting inclusive of P&Z recommendations including recommendations related to the Mixed Use Village Zoning. After discussion, the City Council directed P&Z to hold its public hearing on the proposed Statutory and Regulatory Changes but **not** to proceed with proposed changes to the Mixed Use Village Zoning District. The Mixed Use Village Zoning District will be reviewed and discussed as a potential policy amendment at future P&Z workshops. Additionally, the City Attorney amended the requirements for compliance related to ADA by including Texas Accessibility Standards

The P&Z will hold their public hearing on December 14, 2023. At the conclusion they will take action on recommending approval of the proposed UDC Statutory and Regulatory Changes amendments.

The purpose of tonight's public hearing is for the City Council to receive public testimony on proposed Unified Development Code amendments related to Statutory and Regulatory Changes. The Notice of Public Hearings has been provided via newspaper publication, city website posting, and via USPS to affected mixed used village zoning district parties. [Documents related to the Public Hearing can be found in the Consideration section of tonight's agenda.](#)

Next steps: On December 21, 2023, the City Council, after its public hearing will consider approving the first reading of an ordinance amending the UDC. On January 18, 2023, the Council will consider approving the second reading of the ordinance.

LEGAL ANALYSIS:

Legal has attended all P&Z and Council meetings, provided guidance, and reviewed and produced the final proposed UDC amendments.

RECOMMENDATION/PROPOSED MOTION:

N/A – consideration of approving the first reading of an ordinance amending the UDC will take place during the Consideration item of tonight’s Meeting Agenda.