

## **AN ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, DESIGNATING THE ZONING DISTRICT FOR APPROXIMATELY 344.6 ACRES GENERALLY LOCATED NORTH OF THE INTERSECTION OF ROLLING ACRES TRAIL AND AMMANN ROAD AND BORDERED BY AMMANN ROAD TO THE SOUTH AND WEST AS NEIGHBORHOOD RESIDENTIAL; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on December 16, 2024, Brown & McDonald PLLC, on behalf of the property owner, BRMK Boerne Ranch, LLC. filed an application (ZC 2025-01) to change the zoning designation for the Post Oak Subdivision from Rural Residential (RR) to Neighborhood Residential (NR); and

**WHEREAS**, the Rural Residential (RR) district is intended for land subdivided for single-family residential purposes and related uses, and requires a minimum lot size of five (5) acres while maintaining a rural character; and

**WHEREAS**, on May 20, 2025, the City Council approved an amended Development Agreement between the City of Fair Oaks Ranch and the applicant, Brown & McDonald PLLC, on behalf of the property owner, BRMK Boerne Ranch, LLC., allowing for the development of one (1) acre minimum single-family residential lots on land generally bordered by Ammann Road; and

**WHEREAS**, on July 3, 2025, the City Council approved the Post Oak Public Improvement District; and

**WHEREAS**, on August 7, 2025, the Development Agreement was amended to reflect 227 single-family residential units; and

**WHEREAS**, on August 14, 2025, the Planning and Zoning Commission conducted a public hearing on the proposed amendment of the zoning designation and, after considering the testimony and evidence, made a recommendation of approval of the reclassification to Neighborhood Residential; and

**WHEREAS**, on August 21, 2025, the City Council conducted a public hearing on the proposed zoning change; and

**WHEREAS**, the City Council determined that Neighborhood Residential (NR) is the appropriate zone district for the subject property, in a manner consistent with the approved Development Agreement, the Public Improvement District, and the City's Unified Development Code; and

**WHEREAS**, after considering testimony, evidence, and the recommendation of the Planning and Zoning Commission the City Council finds it to be in the public interest to approve the proposed zoning change to Neighborhood Residential, thereby promoting the health, safety, and general welfare of City residents and protecting the use and enjoyment of property throughout the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

- Section 1.** The Property generally known as the Post Oak Subdivision located north of the intersection of Rolling Acres Trail and Ammann Road and bordered by Ammann Road to the south and west as described in the attached **Exhibit A** is hereby zoned as Neighborhood Residential (NR).
- Section 2.** The Official Zoning Map of the City of Fair Oaks Ranch shall be revised to reflect the Amendment.
- Section 3.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- Section 5.** That it is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 6.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 7.** If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this ordinance would have been enacted without such invalid provision.
- Section 8.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.
- Section 9.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 10.** This ordinance shall take effect immediately from and after its second reading, passage and any publication requirements as may be required by governing law.

**PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 21<sup>st</sup> day of August 2025.**

**PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on reading this 4<sup>th</sup> day of September 2025.**

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Amanda Valdez, TRMC  
Deputy City Secretary

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Denton Navarro Rodriguez Bernal Santee & Zech  
P.C., City Attorney