



PLANNING & ZONING COMMISSION PUBLIC HEARING

CITY OF FAIR OAKS RANCH, TEXAS

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

MEETING DATE: December 14, 2023

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Grant Watanabe, P.E., Director of Public Works & Engineering Services
Cynthia Trevino, 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 several work sessions to discuss the diagnostic findings and to provide a comprehensive recommendation to the City Council. Below summarizes the process 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 Commission 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)).

The P&Z Commission also recommended clarifications to the UDC in addition to the City Attorney and staff changes. Those changes are highlighted in yellow in the packet. Those changes include:

- Clarifying a clerical error that both the P&Z and City 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.
- 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 entire UDC at its December 7th Regular Meeting inclusive of P&Z recommendations on Statutory and Regulatory Changes. The City Council also reviewed the P&Z recommendation 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 added to the list of potential policy amendments for the P&Z to review at future workshops.

The purpose of tonight's public hearing is for the P&Z Commission 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.

Next steps: On December 21, 2023, the City Council will hold its public hearing and consider approving the first reading of an ordinance amending the UDC related to Statutory and Regulatory Changes. On January 18, 2023, the City Council will consider approving the second reading of the ordinance.

LEGAL ANALYSIS:

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

RECOMMENDATION/PROPOSED MOTION:

At the conclusion of the Public Hearing, the Commission will discuss and take possible action on recommending the proposed Unified Development Code amendments to be advanced to the City Council.

Attachment: Proposed Amended UDC