

Fair Oaks Ranch Proposed UDC Amendments - Summary of Changes

Topic # 1 - Administration: Conformance to TXLGC – timeline, processing, consistency, legal recommendations, clarifications, errors, incomplete and missing information.

	Sections of the Current UDC (2019)	Proposed Change This list reflects the changes made to the UDC adopted in 2019	Reason	Topic	Other Topics Affected (As of Topics 1 & 2) 5/30/23
Chapter 1					
1	Section 1.1 (2)	Changed Chapter 13 to 12.	Chapter numbers changed as part of document reorganization.	Administration	
2	Section 1.1 (2)	Removed the sentence - "Words not listed in Chapter 12 will be defined using the most recent version of Webster's International Dictionary, unabridged." Replaced with - "Terms not defined herein will be construed in accordance with their customary usage and meaning and interpreted to give this Code its most reasonable application."	Legal input - revise to be consistent with "Words and Terms Not Defined" section in Chapter 12 Definitions (see Sec.12.1(2)).	Administration	
3	Section 1.4 (2)	Added the sentence - The City also extends to its ETJ its authority to regulate signage as adopted under LGC chapters 216, 245 and 43.	Legal input - revise to include affirmative statement of other regulations in the ETJ.	Administration	
4	Section 1.5 (2)	Removed ETJ reference.	Legal input - delete this reference and the non-conforming use language as it is in reference to zoning regulation which the City may not regulate in the ETJ.	Administration	
5	Section 1.5 (2)	Corrected Section 4.14 to 4.13.	Corrected section reference.	Administration	
6	Section 1.8	Changed the title "Severability" to "Developments in Progress".	Legal input - this is a topic separate from the issue of severability of regulations.	Administration	
7	Section 1.8 (2)	Changed "will" to "will be".	Corrected grammatical error.	Administration	
8	Section 1.8 (2)	Added - "...will be deemed to have"	Corrected grammatical error.		
9	Section 1.8 (2)	Changed Section 1.10 to 4.2.	Corrected section reference.	Administration	
10	Section 1.8 (3)	Changed Section 4.13 to 4.14.	Corrected section reference.	Administration	
11	Section 1.9	Added - "...and as per the requirements and procedures adopted under LGC §212".	Ensured conformance with the state law.	Administration	
12	Section 1.9	Removed the sentence - "The Planning and Zoning Commission will refer the Code Amendment Request to the City Council with recommendations for amendments to the Code." Replaced with - "The proposed amendments will be heard at a joint public hearing of the Planning and Zoning Commission and the City Council, after any individual notice requirements in Local Government Code § 211.006 and 21.007, as amended have been complied with."	Legal input - new case law impacts individual notice requirements. See City of Austin v. Acuna, No. 14-20-00356-CV, 2022 WL 805953 (Tex. App. Mar. 17, 2022) for reference	Administration	
13	Section 1.9	Added the sentence - "The Planning and Zoning Commission will consider the request after a public hearing, and hearing, and refer the Code Amendment Request to the City Council with recommendations for amendments to the Code."	Clarification regarding the process. No change proposed.	Administration	
14	Section 1.9	Added the sentence - "The City Council will consider the request after a public hearing and make the final decision."	Clarification regarding the process. No change proposed.	Administration	

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15	Section 1.9	Added - "after any individual notice requirements in Local Government Code § 211.006 and 21.007, as amended have been complied with."	Legal input - new case law impacts individual notice requirements. See City of Austin v. Acuna, No. 14-20-00356-CV, 2022 WL 805953 (Tex. App. Mar. 17, 2022) for reference	Administration	
16	Section 1.9	Added "...of promoting public safety and welfare and consistent with City's Comprehensive Plan".	Consistent with City's Comprehensive Plan	Administration	
17	Section 1.10	Referred to Chapter 11 that covers violations.	Chapter name correction.	Administration	
Chapter 2					
18	Section 2.2	Removed the sentence - "The use of the following terms in this Code refers to the person, entity, or agent thereof who may apply for an approval or a permit or another decision of the City under this Code. All such terms will be considered interchangeable. The terms include the following: Owner, Owner's Owner, Landowner, Property Owner, Applicant, Developer and Subdivider." Replaced with - "Unless otherwise expressly provided by this Unified Development Code, an application or permit, other than a petition for a text amendment or a zoning amendment, may be initiated only by the owner of an interest in the land subject to the application, or the owner's designated agent. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf. The responsible official may establish the type of documents needed to determine ownership or agency."	These terms are not always interchangeable. Clarification has been provided.	Administration	
19	Section 2.3 (1)	Removed - "...and his assistants, deputies, and department heads insofar". Replaced with - "...or designees...".	Ensures consistency.	Administration	
20	Section 2.3 (1)	Subsection a.i. Removed - "following" and the list of application (1-8). Added Concept Plan.	The authority is not limited to the applications listed in the section. Each chapter contains procedures.	Administration	
21	Section 2.3 (1)	Subsection a.ii. Added - 1) Added Concept Plans 10) Conservation Development Alternative 11) Other applications as required by this Code	The authority is not limited to the applications listed in the section. Each chapter contains specific procedures.	Administration	
22	Section 2.3 (1)	Subsection b. Removed - "...provided that such rules or procedures are approved by the City Council prior to their implementation or enforcement, and provided further...".	P & Z input - discussed by P & Z that administrative rules and procedures do not need approval from City Council.	Administration	

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23	Section 2.3 (1)	Subsection b.i. Removed - "...when appropriate". Added - "...to complete a thorough review and ensure compliance with all applicable codes and requirements...". Added - "...when appropriate...".	Clarification - as discussed at P&Z workshops and discussion.	Administration	
24	Section 2.3 (2)	Subsection b.i Added - Approval of Traffic and Thoroughfare Plans	Approval of Traffic and Thoroughfare Plans is also the responsibility of the City Engineer.	Administration	
25	Section 2.3 (2)	Subsection b.ii Added - " ...and Concept Plans..." Replaced - "2) Preliminary Plan and Final Plat Review 3) Administrative Plat Review with - "Plat Review". Added - "4) Development related applications 5) Land use decisions"	Added clarifications and corrected the type of applications.	Administration	
26	Section 2.3 (3)	Subsection a. Removed - "The Commission will ... regulations." Moved - "The regulations ... and the Charter." as new Subsection a.	Updated to be in conformance with State of Texas and the City's Home Rule Charter Section	Administration	
27	Section 2.3 (3)	Subsection b. Added - " ...and Concept Plans..." and "... (including Amending, Development, and Replats)" Replaced "Plans: with "Plats". Added - "xiv. Any other specific procedure or items that require Commission action as specified in this Code or as required by state or federal law."	Added missing plat types.	Administration	

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28	Section 2.3 (3)	<p>Subsection d. ii Added "City" before the word "Manager".</p> <p>Removed "subdivisions" and added "applications".</p> <p>Corrected "Owner's" to "owners".</p> <p>Removed - "Additional fees may not be required on subsequent submittals of revised plats. Electronic submissions must be compatible with the City's geographic information system (ArcView, USGS NAD 83, mean sea level, and Texas State Plane, South Central, U.S. Feet)."</p>	Added clarification. Corrected typos. Complete requirements are included in the Administrative Procedures manual and Application Checklists. These requirements are incomplete here.	Administration	
29	Section 2.3 (3)	<p>Subsection f. Added "land use".</p>	Added clarification.	Administration	
30	Section 2.3 (3)	<p>Subsection g. Replaced - "Until the Commission has been given final action authority by the City Council, appeals will be made to City Council" to</p> <p>"Appeals to Planning and Zoning Commission action, as applicable, will be made to City Council".</p>	Legal input - revised to address current authority. May cause confusion with reference to a future event that may not be authorized.	Administration	
31	Section 2.3 (5)	<p>Removed - "Plan" and added "and Conceptual Plans".</p> <p>Added - "(including Preliminary, Development, and Replats).</p>	Added clarifications.	Administration	
Chapter 3					
32	Section 3.2	Added - "...established by City Council".	Legal input - Insert additional language to make it clear that City Council establishes fees & the manual will reference the established fees.	Administration	
33	Section 3.2 (1)	<p>Removed - "... (among other bases for consideration described in this Code upon the)..."</p> <p>Added - "...Master Plans for Utilities and Drainage, Transportation and Thoroughfare Map..." and "... design and development standards contained in, and other appropriate agreements".</p> <p>Added- ".../Conservation Development Alternative (CDA).."</p>	<p>Listed types of documents to be reviewed for conformance.</p> <p>Added CDA.</p>	Administration	Subdivision Standards

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34	Section 3.2 (2)	Removed sentences: "These procedures are used to establish what is commonly referred to as a "legal lot" on which development may occur." "Procedures include Administrative Plats (Amending and Minor Plat), Concept Plans, Plans, Final Plats, Replats and Construction Plans."	Removed ambiguity. The list of applications is not required as it is not a comprehensive list.	Administration	
35	Section 3.2 (2)	Subsection a. Concept Plan. Removed : "A Concept Plan will be valid for two (2) years and will expire if no Preliminary Plat has been approved within the two (2) year time period. Subsequent approvals ... Concept Plan." Added - " A Concept Plan will be valid for one (1) year and will expire if a plat or a permit has not been approved or issued within the one (1) year time period. Subsequent approvals ... Table 3.2)".	P & Z input -all expiration dates made consistent throughout the UDC. Expiration dates modified as per Table 3.2.	Administration	
36	Section 3.2 (2)	Subsection b. Preliminary Plat. Added - "...amenities, and other features required to ensure compliance with the requirements of this Code..."	The details are not limited to the items listed.	Administration	
37	Section 3.2 (2)	Subsection c. Final Plat Replaced the sentences - "Final Plat submittal will normally be consolidated with construction plan/Development Permit... in accordance with this Code." Added - " A Final Plat requires approval of Preliminary Plat, construction plans for streets and infrastructure, and other items from the Preliminary Plat in accordance with this Code. ".	Modified to correct the plat types, and ensure consistency with procedures contained in the UDC and state law.	Administration	
38	Section 3.2 (2)	Subsection d. Removed subsections i-xi.	Conflicting language corrected to reflect the current procedure. Additional requirements moved to the section under Amending Plat.	Administration	
39	Section 3.2 (2)	Subsection g. Added - "...or land that was exempted from platting by TXLGC."	Modified for consistency with state law and cover all types of plats.	Administration	
40	Table 3.1	Reformatted and amended.	Amended to reflect all applications and procedures in the UDC and state law. Added clarifications, addressed discrepancies, added missing steps and missing application types. Moved Development Agreement to Policy related category.	Administration	Zoning, Subdivision Standards

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41	Section 3.3	Removed - "The Administrative Procedures Manual should clarify the timing of these procedures." Added - "Refer to the Administrative Procedures Manual for clarification on the timing of these procedures."	Removed irrelevant statement. Added clarification.	Administration	
42	Section 3.3 (1)	a. Removed - "...may occur in any order but..." b. Removed - "Subdivision applications may generally be considered concurrently." Added "...and Zoning". Added - "...and a written approval of associated construction plans and plans for dedication of land and community facilities has been given by the City Manager or designee. " Removed - No application for Final Plat review will be considered complete and accepted for submittal until final action on the Preliminary Plat has occurred. Removed - Approval of the Final Plat will not be granted until written approval of associated construction plans and plans for dedication of land and community facilities has been given by the City Manager."	Removed duplication and clarified the approval process.	Administration	Zoning, Subdivision Standards
43	Section 3.3 (2)	Removed - "Submittal of different applications ... this Code."	Clarified processing - in conformance with state law and UDC requirements.	Administration	Zoning, Subdivision Standards
44	Section 3.3 (2)	Subsection a. Removed - "a. Applicants may file multiple... however" Added - "Applications will... the Administrative Procedures Manual. "	Clarified processing - in conformance with state law and UDC requirements.	Administration	
45	Section 3.3 (2)	Subsection b. Added - "Acceptance of any..." Added - "...acceptance and..." Added - "Any application that is subject to a prerequisite ... are met."	Clarified processing - in conformance with state law and UDC requirements.	Administration	
46	Section 3.3 (2)	Subsection c. Added - "If an application that is considered a pre-requisite to another application is withdrawn, then all consecutive applications may be considered withdrawn. "	Clarified processing - in conformance with state law and UDC requirements.	Administration	
47	Section 3.4	Added - "...or required, as noted below. "	Legal input - revised language for consistency with subsections a & b.	Administration	

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48	Section 3.4 (1)	Subsection a. Removed - ". (Note that one Pre-application ... development applications.)" Removed iv, ix-xiii.	Removed repetitions.	Administration	Zoning, Subdivision Standards
49	Section 3.4 (1)	Subsection a. Added - "b.A Pre-application Conference is required for the following applications. i.Annexation ii.Concept Plan iii.Special Use Permit iv.Planned Unit Development v.Comprehensive Plan Amendment vi.Zoning Map Amendment (Rezoning) vii.Code Text Amendment viii.Conservation Development Alternative (CDA) ix.Policy Variance x.Judicial Variance xi.Development Plat xii.Building Permits (for larger projects that may need multiple approvals, or as recommended by staff) xiii.Group Living Operating License	Clarified that the pre-application conference is mandatory.	Administration	
50	Section 3.4 (1)	Subsection b. Changed to c. Added - " A Pre-application Conference is highly recommended for all other types of development, ... infrastructure."	Added clarification.	Administration	
51	Section 3.4 (2)	Subsection a. Added - .."additional"...	This ensures that the City will have the ability require information from applicants to ensure compliance with the UDC standards.	Administration	
52	Section 3.4 (2)	Subsection a.ii. Removed - "The City Council...this Code" and added "upon written discretion."	Discussed that this is not needed in the UDC.	Administration	
53	Section 3.4 (2)	Subsection b. Removed - "...initially in paper and electronic format and finally in digital..."	The City moved to electronic processing.	Administration	

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54	Section 3.4 (2)	Subsection c.iii. Removed - "... of fifty (50) percent of the total amount paid upon written request to the City. The application fee required for any policy application is not refundable." Added - "...upon written request to the City and upon' s City discretion."	Administrative decision based on the resources used to process the application.	Administration	
55	Section 3.4 (4)	Subsection a. Removed the reference "this ordinance" and corrected to "the UDC". Removed - "A survey exhibit and other appropriate exhibits as deemed necessary by the City Manager. Said exhibits will include but not be limited to Site Plans, maps, architectural elevations, and information about proposed use (in digital file format if available);" Added - "...exhibits.. ""..."Administrative Procedures Manual, and as deemed necessary by the City Manager (or designee) for processing of a specific application...". Removed - "... for processing of a specific Development Permit."	Legal input - minor edit for consistency with terminology. Listing specific information will limit the City's ability to request additional information from applicants to review applications for conformance.	Administration	
56	Section 3.4 (4)	Subsections d. and e. Changed 15th to 10th. Removed - "A determination that ...application was submitted." Added - ".A determination that the application ... for filing." Removed - "... mailed a copy..."	Conformance to state statute. Process improvement. Compliance to state code. Clarified notification requirement.	Administration	
57	Section 3.4 (4)	Removed subsection f.	It was a repetition and the general process was clarified in subsections above.	Administration	
58	Section 3.4 (4)	Updated subsection h.	Legal input - Revised for consistency with LGC chapter 245.	Administration	
59	Section 3.4 (5)	Removed subsection a.	Expiration of approvals are subject to change.	Administration	

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60	Section 3.4 (5)	<p>Subsection g.</p> <p>Removed - " Any Minor Plat, Replat, Amending Plat, Preliminary Plat, Concept Plan, Final Plat (approved pursuant to previous Subdivision Regulations) or Detailed Development Plat (approved pursuant to previous Subdivision Regulations) that is dormant in accordance with the provisions of LGC §245.005 expired on November 19, 2004"</p> <p>Added - "Any Plat or Concept Plan (approved pursuant to previous Subdivision Regulations) that is dormant in accordance with the provisions of LGC §245.005 will be deemed to have expired on November 19, 2002 (date of adoption of the subdivision ordinance)."</p> <p>Extension may be approved for permits or approvals listed below in Table 3.2 for a period not to exceed one (1) year by the authority responsible for final approval."</p>	Remove listing of specific plat types and changed to all plats. Updated the date of adoption of subdivision ordinance to 2002.	Administration	Subdivision Standards
61	Table 3.2	Reformatted . Updated expiration dates to 12 months. Removed some applications for which expiration dates are not applicable.	Based on P & Z input, changed all expiration dates to 12 months. Expiration dates are not applicable to Letter of Regulatory Compliance, Written Interpretation etc.	Administration	
62	Section 3.4 (6)	Removed "written".	Not needed. Can be by electronic notification.	Administration	
63	Section 3.5 (1)	<p>Removed - "...ninety (90) days ... period will prevail"</p> <p>Added - "...as per State law."</p>	Ensured consistency with state law.	Administration	
64	Section 3.5 (2)	Modified section - added reference to state law. Removed redundant sections.	Ensured consistency with state law.	Administration	
65	Section 3.5 (2)	<p>Added - "...shall follow the state law. "</p> <p>Removed - "...are guidelines, and ... requirements."</p> <p>Removed a - c.</p>	Ensured consistency with state law.	Administration	
66	Section 3.5 (3)	<p>Replaced a. with "The standard review period of an application for a plat or subdivision plan may be extended one time for a period not to exceed thirty (30) days upon the submission of a written request for extension. The request for extension will be placed on the first available city council meeting agenda for approval. "</p> <p>Removed - b - e.</p>	Ensured consistency with state law.	Administration	
67	Table 3.3	Reformatted. Clarified that public hearing requirement is applicable only to certain replats. Added CDA.	Ensured consistency with state law.	Administration	Zoning, Subdivision Standards

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68	Table 3.4	Added mailing notice requirement to UDC Text Amendments	Legal input -a UDC text amendment may also require mailed notice depending on what is being changed. See court case City of Austin v. Acuna, No. 14-20-00356-CV, 2022 WL 805953 (Tex. App. Mar. 17, 2022).	Administration	
69	Section 3.6 (3)	Added - " At least 16 days..." Added - "...Planning and Zoning Commission..."	Legal input - to avoid missing the reference to "before" to ensure legal compliance.	Administration	Zoning, Subdivision Standards
70	Section 3.6 (4)	Added - " ..at least 11 days..."	To avoid missing the reference to "before" to ensure legal compliance.	Administration	
71	Section 3.6 (5)	Replaced "City" with "applicant".	This applicant is typically responsible for posting the notices.		
72	Section 3.6 (6)	Replaced the section with "All public hearings will follow the procedures set forth by the City and as required by the TXLGC. "	To ensure consistency with state law and future amendments.		
73	Section 3.7 (1)	Subsection b.i. Added - " 4)Request of other affected property owners or developers. If initiated by other affected property owners or developers, a Pre-Application Conference will be required."	Added clarifications.	Administration	Zoning
74	Section 3.7 (1)	Subsection b.ii. Added - "after receiving a complete application if initiated by a property owners or developers". Subsection c. iv. Removed - "Any potential conflicts of proposed amendments with the UDC or Comprehensive Plan will be considered and dealt with prior to the review and adoption of any amendment. Unified Development Code Compliance and Consideration of Conflicts."	Clarified that complete application is required. Removed incorrect statements.	Administration	Zoning
75	Section 3.7 (2)	Subsection b. Added - "4) Request of other affected property owners or developers." Added - "after receiving a complete application if initiated by a property owners or developers..."	Added clarification.	Administration	
76	Section 3.7 (2)	Subsection c (iv). Added "Unified Development..."	Added clarification.	Administration	

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77	Section 3.7 (3)	Added review process as subsection b.	Revised to consistency with Sec.3.4.1.b which requires a pre-application conference in some instances.	Administration	
78	Section 3.7 (3)	Subsection b (c in the clean version) Added "... (or designee)..."	Added clarification.		
79	Section 3.7 (3)	Subsection b (c in the clean version) Removed "Any modification to an approved Site Plan that was filed as part of a Special Use Permit will cause the Special Use Permit to become void, regardless of its current status, including any approval previously given by the City Council" . Replaced with "No building, premise, or land used under a Special Use Permit (SUP) may be enlarged, modified, structurally altered, or otherwise significantly changed, unless an amendment to the approved SUP is granted for such enlargement, modifications, structural alteration, or change." Added - "1)The modified Site Plan permit will follow the regular review process for a regularly submitted Special Use Permit." Removed 1. and 2.	Legal input - to make voidable with opportunity to amend. As a general rule, provisions that automatically void land use are disfavored by the courts.	Administration	
80	Section 3.7 (3)	Subsection c.(d in the clean version). Added Added ".The City Council, in considering final action, may impose conditions on the proposed use and attach such conditions to the Special Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation. Where appeals are made to the City Council, the City Council 's action is considered final, subject only to judicial review."	Legal input -add language stating that City Council may add conditions to a SUP.	Administration	
81	Section 3.7 (4)	Added - "2) City Staff and City Manager".	Legal input - consider including city manager and city staff to the list.	Administration	

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82	Section 3.7 (4)	Subsection b. ii.- Changed may to must. Removed - "...Manager" Added - "... (or designee)". Removed - "...to the City Manager".	Legal input -insert language as Sec.3.4.1.b requires a pre-application conference. Other changes for consistency.	Administration	
83	Section 3.7 (4)	Subsection b. vii. Added - "...owners of property covered by proposed change". Removed - "... (who are also resident inside the City Limits)". Added - "Computation of area covered by proposed change shall include the streets and alleys."	Removed incomplete and duplicate sentence. Legal input - revise to include the 20% of property owners being rezoned, since the city council can initiate rezoning. Also included about streets and alleys being included in the calculation for consistency with state law.	Administration	
84	Section 3.7 (4)	Subsection c (iii) 6. Removed " Zoning Variance requests will not be considered." Changed to " Zoning variances are considered & granted by the Zoning Board of Adjustments".	Legal input - seems like something is missing. recommend striking as the zoning variances are considered & granted.	Administration	
85	Section 3.7 (5)	Subsection b.ii. Removed "...6 copies..."	Process improvement - electronic submittal does not need copies.	Administration	
86	Section 3.7 (5)	Subsection b.ii. Added "6)All proposed amenities and enhancements with details".	Required to ensure compliance to the intent.	Administration	
87	Section 3.7 (5)	Subsection b.iii. Removed - "Plan" Removed "...Preliminary Plan of a..." and "...subdivision..." and added "...submittal..."	Added clarifications that the PUD submittal includes other items in addition to plans.	Administration	
88	Section 3.7 (5)	Subsection b.iii. Added - "...A written report explaining the project, with a list of proposed variations and deviations from the requirements of this code, if any;"	Required for a complete submittal.	Administration	

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89	Section 3.7 (5)	Subsection b.iii. Added "...and proposed amenities..." and 5) "Building design and aesthetic standards".	Required for a complete submittal.	Administration	
90	Section 3.7 (5)	Subsection b.iii. Removed "Budget. A draft multi-year budget for the Association.".	Legal input -remove the requirement of HOA budget information requirement as it is not a land use function.	Administration	
91	Section 3.7 (5)	Added - "...or designee)..."	Added clarifications.	Administration	
92	Section 3.7 (5)	Subsection c. x. Changed "Set backs" to "setbacks".	Corrected capitalization.	Administration	
93	Section 3.7 (5)	Subsection f. Added - "...covered by the proposed change or the area of lots or area of land " and "Computation of area covered by proposed change shall include the streets and alleys".	Legal input -revise to include the 20% of property owners being rezoned, since the city council can initiate rezoning. Also included about streets and alleys being included in the calculation for consistency with state law.	Administration	
94	Section 3.7 (5)	Subsection h. Added " All other amendments not deemed substantial shall be considered nonsubstantial amendments".	Legal input - recommend that the amendments section be revised to include definition/examples. Will also need reference that all "nonsubstantial" amendments shall be considered substantial.	Administration	
95	Section 3.8 (1)	Subsection a. Removed - "...additions or...". Added - "...and no increase in the footprint of the building is proposed".	Added clarifications. Additions that increase the building footprint.	Administration	
96	Section 3.8 (1)	Replaced - "c. No land described in this section may be subdivided or developed until the property owner has obtained approval of the applicable Concept Plan, Plat, or Development Plat from the City Council or the City Manager as required by these regulations". Removed d.	Legal input - remove the language as the City may not control the conveyance on property. Removed redundant subsection d as it was clarified in the beginning.	Administration	

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	Sections of the Current UDC (2019)	Proposed Change This list reflects the changes made to the UDC adopted in 2019	Reason	Topic	Other Topics Affected (As of Topics 1 & 2) 5/30/23
97	Section 3.8 (1)	Subsection f. Added - "...and the City Council..." Removed - "...30 days after the date a complete application for the plat is filed..." and "The City Council will act on the plat within 30 days after the date the Plat is acted on by the Commission" Added g.	Ensured consistency with state law.	Administration	
98	Section 3.8 (2)	Subsection a. Removed - "...or..." Added "...and Development Plats..."	Ensured consistency with state law.	Administration	
99	Section 3.8 (2)	Subsection a. ii. Amending Plat. Added - "...if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:" Moved criteria from 3.7 (2).	Ensured consistency with state law.	Administration	
100	Section 3.8 (2)	Subsection a. ii. Amending Plat. Removed - "...such changing the preceding plat to create six (6) or fewer lots in the subdivision, when agreed to by all adjacent property owners." Added - "if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:". Moved text from 3.2. Removed - "The amendment does not render any resulting lot substandard ... Future Land Use Map;	Legal input - remove the language to as it does not conform to LGC 212.016(9) and is a function of conforming with applicable regulations listed in item 10 below. If choice is to include, recommend generalized statement: The amendments does not render the resulting lot out of compliance with applicable municipal or state law regulations.	Administration	
101	Section 3.8 (2)	Subsection a. iv. Removed.	Legal input -waivers is a separate section.	Administration	
102	Section 3.8 (2)	Subsection a. v.(iv in the clean version) Added - "... (or designee)..."	Ensured consistency.	Administration	

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103	Section 3.8 (2)	Subsection b. Corrected the chapter reference from 8 to 7. Added "...if needed..."	Infrastructure construction plans are not always required for administrative plats.	Administration	
104	Section 3.8 (2)	Subsection c. Removed.	Legal input - revise to comply with LGC 212.0065(c) any plat that the City Manager refuses to approve should be send to P&Z/City Council for review/disapproval.	Administration	
105	Section 3.8 (2)	Subsection d. Modified section reference to 11.5	Clarified the section reference. 11.5 refers fiscal security.	Administration	
106	Section 3.8 (2)	Subsection a.iv. Removed.	Legal input - plat waivers should be pulled out of this section and given its own section (probably 3.8(8)). This will prevent confusion about how plat waivers are processed and also avoid issues with denying a plat where a discretionary waiver was not granted.	Administration	
107	Section 3.8 (2)	Subsection d. Changed "Final Plat" to "Plat". Removed - "approved and ...". Removed - "The Developer will pay the record filing fee" Changed "9" to "8"	Removed redundancies. Updated chapter number.	Administration	
108	Section 3.8 (2)	Subsection e . (in the current UDC) Added - "... (or designee)"... Changed "12" to "11". Changed "..Final Plat" to "Plat".	Ensure consistency. Corrected the plat type.	Administration	
109	Section 3.8 (3)	Subsection b.i Added "any of " before the criteria.	Legal input -it is unclear if a concept plan is needed if only one of the criteria is met or all.	Administration	

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110	Section 3.8 (3)	Subsection b. i. Added - "Is located on land that was not legally subdivided". Added - "...or Conservation Development Alternative."	Added clarifications.	Administration	
111	Section 3.8 (3)	Removed subsection b.ii.	Legal input - recommend not allowing for a discretionary allowance by the City manager to require a concept plan. Additionally someone may wants to by-pass this step and go directly to preliminary platting the entire parcel.	Administration	
112	Section 3.8 (3)	Removed subsection b.iii.	Rephrased in b.i	Administration	
113	Section 3.8 (3)	Subsection c. Removed- "...of subdivisions and plats" and added "applicable" before criteria for approval.	Legal input - list the type of documents that the Concept Plan to be in conformance win Section 3.2. The criteria of review used for plats is not appropriate for Concept Plans as it provides no discretion to evaluate compliance with the vision in the Comprehensive Plan.	Administration	
114	Section 3.8 (3)	Subsection f. Added certification of exhibits.	Legal input -to ensure the technical review of all concept plan materials can occur before the 30-day shot clock begin. The concept plan appears to be adopted under LGC 212 and subject to the 30 day shot clock under LGC 212.009.	Administration	
115	Section 3.8 (4)	Subsection a. Removed - "...a dedication of land..." and added "...public improvements that will be dedicated to the City. " Added - "...iv.Preliminary Plat is not required for plats where Replat is applicable."	Added clarification. Legal input - if preliminary plat not required for replat, it can be included in the exception.	Administration	
116	Section 3.8 (4)	Subsection b. Added - "... (or designee)..." Added - "...in accordance with the Engineering Design Standards Manual, Appendix D of this UDC"	Added clarification.	Administration	
117	Section 3.8 (4)	Subsection c. Added - "... (Section 3.2)."	Legal input - recommend adding reference to section of including criteria in this section.		

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118	Section 3.8 (4)	Removed subsection d.	Legal input - plat waivers should be pulled out of this section and given its own section (probably 3.8(8)). This will prevent confusion about how plat waivers are processed and also avoid issues with denying a plat where a discretionary waiver was not granted.	Administration	
119	Section 3.8 (4)	Added subsection f.	Legal input -ensured the technical review of all can occur before the 30-day shot clock begin.	Administration	
120	Section 3.8 (5)	Subsection a. Added - "...and detailed engineering and Construction Plan for all public improvements." Added - "...and to the Construction Plan as approved by the City Manager or designee" Added - "...and from the approved Construction Plan for all public improvements."	Clarified the requirements.	Administration	
121	Section 3.8 (5)	Subsection b.i. Replaced - "Engineering Information. Submission requirements for the Final Plat will be developed by the City, and ... informed decision" with "i. Submission Requirements. Applications must be made in a format consistent with requirements established by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee)."	Clarified the requirements.	Administration	
122	Section 3.8 (5)	Subsection b. Replaced - "Estimates for posting fiscal surety for landscaping requirements, maintenance, erosion and sedimentation control, roads, and utilities are also required for Final Plat review." with ". If public improvements are not completed and accepted prior to submittal of a Final Plat for consideration, estimates for posting fiscal surety for landscaping requirements, maintenance, erosion and sedimentation control, roads, and utilities are also required for Final Plat review."	Clarified the process.	Administration	
123	Section 3.8 (5)	Subsection c. Added - "... (Section 3.2)". Added - "...prior to approval of Final Plats."	Legal input - list the type of documents that the Final Plat to be in conformance with Section 3.2.	Administration	

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124	Section 3.8 (5)	Subsection e. Removed - "...City Manager (or designee) has approved the construction plans." Replaced - "...the record filing fee" with " all associated fees".	Clarified the requirements. P & Z approved the process that will allow recordation of the final plat prior to completion of public improvements if the construction plans are approved and a fiscal surety is posted.	Administration	
125	Section 3.8 (5)	Added subsection f.	Legal input -ensure the technical review of all can occur before the 30-day shot clock begin.	Administration	
126	Section 3.8 (6)	Subsection b. Added - "Applications must be made in a format consistent with requirements established by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee)."	Clarified the requirements. Legal input - list the type of documents that the Final Plat to be in conformance with Section 3.2.	Administration	
127	Section 3.8 (6)	Subsection c. Added - "... (Section 3.2)". Added - "...prior to approval of replat (if applicable)."	Legal input - listed the type of documents that the Final Plat to be in conformance with Section 3.2.	Administration	
128	Section 3.8 (6)	Subsection d. Replaced "Final Plat" with "Replat "	Corrected the plat type. Clarified the requirements.	Administration	
129	Section 3.8 (6)	Subsection e. Removed - "...the City Manager (or designee) has approved the construction plans" . Replaced - "...the record filing fee" with " all associated fees".	Construction plans are addressed in the previous subsection c.	Administration	
130	Section 3.8 (6)	Subsection f. Replaced "before the 15th day" with "at least 16 days".	Legal input -revise to avoid confusion with the statutory language "before the 15th day.	Administration	
131	Section 3.8 (6)	Added subsection g.	Legal input -ensured the technical review of all can occur before the 30-day shot clock begin.	Administration	
132	Section 3.8 (7)	Added subsection b.	Added clarifications.	Administration	
133	Section 3.8 (7)	Subsection c. Added - "(Section 3.2)". Removed - "...administrative or preliminary plat"	Legal input - list the type of documents that the Final Plat to be in conformance with Section 3.2. Clarified requirements.	Administration	

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134	Section 3.8 (8)	Added (moved).	Legal input - move waiver from previous sections.	Administration	
135	Section 3.9 (1)	Added - "... (or designee)". Added - "Applications must be made in a format consistent with requirements established by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee)."	Clarified the requirements.	Administration	
136	Section 3.9 (2)	Added - "... (or designee)". Replaced - "City Council" with "Zoning Board of Adjustments". Added - "Applications must be made in a format consistent with requirements established by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee)." Removed ")".	Ensured consistency. ZBOA makes decision regarding appeals related to UDC interpretations. Corrected typographical error.	Administration	
137	Section 3.9 (3)	Added - "... (or designee)". Added - "Applications must be made in a format consistent with requirements established by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee)."	Ensured consistency. Clarified the requirements.	Administration	
138	Section 3.9 (4)	Added - "...as per Section 4.11..." Added - "... (or designee)". Added - "Applications must be made in a format consistent with requirements established by the ... by the City Manager (or designee)."	Legal input - provide some examples for what would be considered a temporary use under this section.	Administration	
139	Section 3.9 (5)	Added - "....where specifically permitted by this code,...". Added - "...or deviations may be approved in certain circumstances,...". Added - "... (or designee)". Added - "Applications must include all materials determined necessary by the City Manager (or designee)." Replaced - "City Council" with "Zoning Board of Adjustments".	Legal input - the special exceptions allowance seemed very broad. Added clarifications. Ensured consistency. ZBOA makes decision regarding appeals related to UDC interpretations.	Administration	

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140	Section 3.9 (6)	Corrected formatting of the title. Removed - " Stormwater Permit". Added - "... (or designee)". Corrected Chapter 7 title. Changed "lower case" in Site to "upper case".	Title was not "bold". Stormwater permit is addressed in a later section.	Administration	
141	Section 3.9 (7)	Changed "8" to "7" and "9" to "8". Removed - " iii. ETJ. Prior to issuance of a Stormwater Permit, the City Manager or City Council must approve the Site Plan for projects within the City's ETJ to ensure any required compliance with this Code, as required in Section 2.3."	Corrected the chapter number. Legal input - only regulations that can extend into the ETJ are subdivision, floodplain and possibly signs. How does this site plan tie in with stormwater? Might be a regulation that cannot be extended into the ETJ.	Administration	
142	Section 3.9 (8)	Added - "...Adjustment as per Section 2.3. The appeal must be filed not later than the 20th day after the date the decision is made. The Zoning Board of Adjustment shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed, in compliance with LGC 211.010(d)). " Added - "...All activities remain stayed, unless ..." and removed "if". Removed - "...the development may proceed...". Added - "...in which case a restraining order granted by the board or a court of record on application and notice to the City is granted upon a showing of due cause." and removed "...proceed, unless a restraining order is issued by a competent court of record". Added - "... (or designee)".	Legal input - recommend that the 60 days time limit for appeals of zoning decisions be added to ensure compliance with LGC 211.010(d)). Legal input - recommend tracking LGC 211.010(c) to allow option to the board to grant restraining order.	Administration	
143	Section 3.9 (9)	Added - "These waivers must be approved prior to approval of the plat." Added - "as per Section 3.9 of this Unified Development" and removed "... if the City Manager agrees to recommend the Special Exception." Added b.i.8).	Legal input - recommend adding the additional criteria for finding a hardship as applied to a structure LGC 211.009(b-1) be included and include the specific criteria for a finding of an unnecessary hardship.	Administration	
144	Section 3.9 (10)	Added - "... (or designee)".	Ensured consistency.	Administration	
145	Section 3.9 (11)	The county permit must be presented before installing new or replacement Septic Systems.	P& Z input.	Administration	

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146	Section 3.9 (12)	Added - "The Address Plat needs to be submitted to city staff prior to permits being issued." Corrected "Conforms" to "Conformance". Removed - "...construction..."	The address is required to track the building permits. Corrected typographical errors. Legal input - revised so that the full UDC applies including any relevant zoning items like landscaping, parking, etc.	Administration	
147	Section 3.9 (12)	Removed - "For all other types of development, A Building Permit will expire if the building or work authorized by such permit is not commenced within 270 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 270 days. Before such work can be recommenced, a new permit will be first obtained to do so, and the fee for the new permit will be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and that the suspension or abandonment has not exceeded one (1) year. If the suspension or abandonment has exceeded one (1) year, the permit fee will be the full fee for a new permit and will comply with all codes and ordinances applicable at that time." Changed " once" to "twice".	Expiration of all applications changed to 12 months. Allowed two extensions.	Administration	
148	Section 3.9 (13)	Added - "... (or designee)". Added - "...including delinquent taxes." Added - "The building site and structure are in compliance with all applicable city codes."	Ensured consistency. Legal input - recommend that you add an additional criteria related to compliance with all applicable city codes. This will allow for denial of a CO where there is an existing developed site and the use changes requiring site improvements (such as additional parking).	Administration	
149	Section 3.9 (14)	Corrected "10" to "9". Removed - "An applicant for relief may appeal the decision of the City Manager (or designee) to the City Council within ten (10) days of the written decision of the City Manager. The City Council will set a hearing on the appeal of the staff decision, give public notice thereof, as well as written notice to the parties of interest, and decide the same within thirty (30) days of the making of the appeal. Any party may appear at the hearing in person or by agent. The Applicant bears the burden of proof in establishing that relief is justified."	Ensured consistency with state law and previous variance section in the UDC.	Administration	

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150	Section 3.9 (14)	<p>Changed language as follows:</p> <p>"iv. Relief sought does not alter the character of, or impair the use of, adjacent properties Relief sought alters the character of, or impair the use of, adjacent properties;</p> <p>v. Relief sought is not to alleviate a self-created hardship; and</p> <p>vi. Relief sought is not primarily for financial reasons"</p> <p>Changed "City Council" to "Zoning Board of Adjustments"</p> <p>Removed - "unless the applicant timely appeals the ruling to the City Council for review and final action."</p>	<p>Legal input - reworded the criteria so that they are in the affirmative.</p> <p>Clarified the approval authority.</p>	Administration	
151	Section 3.9 (15)	<p>Removed - "Protect residents from persons ...advantage of them".</p> <p>Corrected "Insure" to "Ensure".</p> <p>Replace - "It is unlawful for any person to construct, maintain or operate within the city limits, any group or community home, halfway house, or other group living facility unless such person first obtains a license. An application for an annual license to operate a group or community home, halfway house or other group living facility is required within the city limits, or for property located in the City's ETJ that is part of a development agreement. Approval of a Group Living Operating License authorizes the use of the property in accordance with the terms of the license and other applicable requirements of this Code for one year, after which the Group Living Operating License must be renewed annually." with</p> <p>"It is unlawful for any person to construct, maintain, or operate within the City, any group or community home, halfway house, or other group living facility unless such person first obtains a use permit. A request for reasonable accommodation to accomplish the goals and policies of the Fair Housing Act (42 U.S.C. 3601) may be authorized."</p> <p>Added - "... (or designee)".</p> <p>Replaced - "That there are no outstanding permit requirements." with "Current and valid state licenses and a current and valid Certificate of Occupancy issued by the City of Fair Oaks Ranch."</p>	<p>Legal input - remove this language conflicts with legal requirements of Fair Housing Act. Inserted proposed language. Replaced license with permit. Add reference to the Fair Housing Act (42 U.S.C. 3601).</p>	Administration	