**CITY OF FAIR OAKS RANCH CITY COUNCIL MEETING**

Thursday, September 3, 2026 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn Rd, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

AGENDA

OPEN MEETING

1. Roll Call- Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the City Council, please sign the Attendance Roster located on the table at the entrance in the foyer of the Public Safety Training Room. In accordance with the Open Meetings Act, Council or Committee may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard

PRESENTATIONS

4. IT Professionals Day Proclamation

Gregory C. Maxton, Mayor

5. Presentation of a 5-Year Service Award to: Grant Watanabe, Director of Public Works

Joanna Merrill, PSHRA-SCP, Director of Human Resources

6. Presentation of the American Heart Association's Heartsaver Hero Award to Police Officer Michael De Hoyos

Scott Burgess, Assistant Chief of EMS, Bexar County ESD 4

CONSENT AGENDA

All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council or Committee Member by making such request prior to a motion and vote.

7. Approval of the August 20, 2026 Regular City Council meeting minutes

Amanda Valdez, TRMC, City Secretary

8. Approval of a resolution designating authorized representatives to the City's safe deposit box and authorizing the City Manager to execute all documents in connection therewith

Amanda Valdez, TRMC, City Secretary

9. Approval of the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 3, Article 3.14, Division 2, Placement or Maintenance of Facilities in Public Right-of-Way and Appendix A, Article A11.000(d) Right-of-way construction permit

Lee Muniz, P.E., CFM, Engineering Manager

10. Approval of Council Member Parker's absence from the August 20, 2026, Regular City Council meeting

Scott Parker, Council Member, Place 5

PUBLIC HEARING

11. The City Council of the City of Fair Oaks Ranch, Texas will conduct a public hearing to receive public testimony on proposed amendments to the Unified Development Code

- A. The Mayor opens the public hearing
- B. Staff presentation on the proposed UDC amendments
- C. The City Council receives public testimony
- D. The Mayor closes the public hearing

Jessica Relucio, ENV SP, City Planner

CONSIDERATION/DISCUSSION ITEMS

12. Consideration and possible action approving the first reading of an ordinance amending the Code of Ordinances Chapter 3, Article 3.15 Outdoor Lighting, and the Unified Development Code Chapter 4, Section 4.9 Permitted Uses and Section 4.10 Conditional Uses; Chapter 6, Section 6.8 Outdoor Lighting; Chapter 10, Section 10.9 Political Signs on Public Property; and administrative changes

Jessica Relucio, ENV SP, City Planner

REPORTS FROM STAFF/COMMITTEES

13. Bexar County Emergency Services District No. 4 Update

Jack H. Andrade, Fire Chief, Bexar County ESD 4 Fire Rescue

REQUESTS AND ANNOUNCEMENTS

14. Announcements and reports by Mayor and Council
15. Announcements by the City Manager
16. Requests by Mayor and Council Members that items be placed on a future City Council agenda

ADJOURNMENT

Signature of Agenda Approval:

s/ Scott M. Huizenga
Scott M. Huizenga, City Manager

I, Amanda Valdez, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by August 28, 2026, and remained so posted continuously for at least 3 business days before said meeting was convened. A quorum of various boards, committees, and commissions may attend the City Council meeting.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to Texas Government Code Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

Proclamation
The City of Fair Oaks Ranch
Office of the Mayor

WHEREAS, National Information Technology (IT). Professionals Day has been celebrated on the third Tuesday of every September since 2015; and,

WHEREAS, this year it falls on September 15, 2026; and,

WHEREAS, the City of Fair Oaks Ranch recognizes the IT experts who ensure that the City's computers, applications, storage, networking, infrastructure and processes to create, store, secure and exchange all forms of electronic data are performing at optimal levels; and,

WHEREAS, in the City of Fair Oaks Ranch, the IT Department consists of two employees: IT Manager Brian LeJeune and Network Specialist Chris Pettey, and,

WHEREAS, the City of Fair Oaks Ranch's IT Department oversees software programs for the City with the goal of ensuring smooth, efficient, around-the-clock operations for all City departments, including City Council, Administration, City Secretary, Court, Finance, Public Safety, and Public Works; and,

WHEREAS, the City of Fair Oaks Ranch's IT Department provides 24/7 support for telecommunications systems, cell phones, internet firewalls, servers, desktops, laptops, camera systems, tablets, and switches for both office and field personnel, and

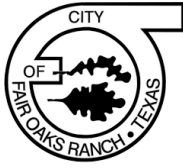
WHEREAS, the City of Fair Oaks Ranch's IT Department continues to focus on identifying and meeting new challenges in key areas such as cybersecurity, state and federal guidelines for data management and security, and shifting technology trends.

NOW, THEREFORE, I, Gregory C. Maxton, Mayor of the City of Fair Oaks Ranch, do hereby designate September 15, 2026, as IT Professionals Day. I urge all citizens to express their appreciation to our IT team members for their dedication and commitment to Fair Oaks Ranch's Council, employees, and residents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Fair Oaks Ranch to be affixed this 3rd day of September 2026.

Gregory C. Maxton, Mayor

Amanda Valdez, TRMC
City Secretary



CITY OF FAIR OAKS RANCH CITY COUNCIL MEETING

Thursday, August 20, 2026 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn Rd Fair Oaks Ranch

Live

Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

MINUTES

OPEN MEETING

1. Roll Call- Declaration of a Quorum

Council Present: Mayor Maxton and Council Members: Kinney, Rhoden, Olvera, Pearson, and Swarek

Council Absent: Council Member Parker

With a quorum present, the meeting was called to order at 6:30 PM.

2. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

CITIZENS and GUEST FORUM

3. **Citizens to be heard** – No citizens signed up to speak.

PRESENTATIONS

4. Building and Code Staff Appreciation Day Proclamation

Mayor Maxton presented a Proclamation recognizing Building and Code Staff Appreciation Day and acknowledged staff members of the Building Codes and Code Compliance departments for their service to the community.

CONSENT AGENDA

5. **Approval of the August 6, 2026, Regular City Council meeting minutes**

6. **Approval of Council Member Kinney's absence from the August 6, 2026, Regular City Council meeting**

7. **Approval of Council Member Olvera's absence from the August 6, 2026, Regular City Council meeting**

8. Approval of Council Member Swarek's absence from the August 6, 2026, Regular City Council meeting

MOTION: Made by Council Member Rhoden, seconded by Council Member Kinney, to approve the Consent Agenda.

VOTE: 6 - 0; Motion Passed.

CONSIDERATION/DISCUSSION ITEMS

9. Consideration and approval of an ordinance authorizing the issuance of "City of Fair Oaks Ranch, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2026"; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the system; and other matters in connection therewith

MOTION: Made by Council Member Olvera, seconded by Council Member Rhoden, to adopt an ordinance authorizing the issuance of "City of Fair Oaks Ranch, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2026."

VOTE: 6 - 0; Motion Passed.

10. Consideration and approval of an ordinance authorizing the issuance of "City of Fair Oaks Ranch, Texas General Obligation Bonds, Series 2026"; levying a continuing direct annual ad valorem tax, within the limits prescribed by law, for the payment of the bonds; and other matters in connection therewith

MOTION: Made by Council Member Rhoden, seconded by Council Member Pearson, to adopt an Ordinance authorizing the issuance of "City of Fair Oaks Ranch, Texas General Obligation Bonds, Series 2026."

VOTE: 6 - 0; Motion Passed.

11. Consideration and possible action approving a resolution for the transition of health benefits providers for medical, dental, and vision benefits administration

MOTION: Made by Council Member Swarek, seconded by Council Member Kinney, to approve a resolution authorizing the City Manager to execute agreements for the implementation of medical, dental, and vision through Blue Cross Blue Shield of Texas, and renewal agreements for basic life, voluntary life, short and long-term disability, FSA and COBRA administration, Alliance Work Partners, FinPath, and Aflac for the City's supplemental benefits providers.

VOTE: 6 - 0; Motion Passed.

REQUESTS AND ANNOUNCEMENTS

12. Announcements and reports by Mayor and Council

Mayor Maxton announced that the Dietz Elkhorn Road construction project is expected to begin on September 8, 2026, and last approximately 12 months. He noted that the project will include lane closures and asked residents for patience as temporary delays may be unavoidable. He also announced that Council will hold a public hearing on September 3, 2026, to receive public testimony on proposed amendments to the Unified Development Code. Two additional public hearings will be held on September 17, 2026, to receive public testimony on the proposed FY 2026–27 budget and tax rate. Lastly, Mayor Maxton reminded residents that National Night Out will take place on October 6, 2026, and encouraged communities interested in participating to contact the Police Department as soon as possible.

13. Announcements by the City Manager

None.

14. Requests by Mayor and Council Members that items be placed on a future City Council agenda

None.

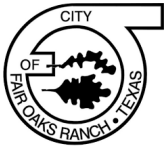
ADJOURNMENT

Mayor Maxton adjourned the meeting at 7:00 PM.

Gregory C. Maxton, Mayor

ATTEST:

Amanda Valdez, TRMC
City Secretary



CITY COUNCIL CONSENT ITEM CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Approval of a resolution designating authorized representatives to the City's safe deposit box and authorizing the City Manager to execute all documents in connection therewith

DATE: September 3, 2026

DEPARTMENT: City Secretary

PRESENTED BY: Amanda Valdez, TRMC, City Secretary

INTRODUCTION / BACKGROUND:

Frost Bank serves as the City's depository for City funds and provides a safe deposit box for the safekeeping of vital city documents such as deeds, easements, and land titles. Authorized representatives with access to the safe deposit box currently include the former City Secretary and an Assistant City Manager.

Following the departure of the former City Secretary, the authorized representatives need to be updated. Frost Bank requires an amended resolution to make this change. The proposed resolution removes the former City Secretary as an authorized representative and adds the current City Secretary.

POLICY ANALYSIS / BENEFIT(S) TO CITIZENS:

Updating the authorized representatives ensures secure and appropriate access to the City's safe deposit box while maintaining continuity of access to city documents.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Not applicable. The amending resolution is provided by Frost Bank.

RECOMMENDATION / PROPOSED MOTION:

I move to approve a resolution amending the authorized representatives to the City's safe deposit box and authorizing the City Manager to execute all documents in connection therewith.

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS DESIGNATING AUTHORIZED REPRESENTATIVES TO THE CITY'S SAFE DEPOSIT BOX AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the City Council of Fair Oaks Ranch, by Resolution 2014-13, designated Frost Bank to serve as the city's depository for city funds; and

WHEREAS, the City has a safe deposit box at Frost Bank for the safekeeping of city documents; and

WHEREAS, Frost Bank requires a city council resolution designating authorized representatives to access the city's safe deposit box; and

WHEREAS, because of personnel changes, the City Council finds it necessary to amend the city's authorized representatives; and

WHEREAS, the City Council further finds that two city staff members shall be designated as authorized representatives.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT: Until a city resolution is given by the City of Fair Oaks Ranch to Frost Bank stating otherwise:

- A. The safe deposit box may be accessed on behalf of the City of Fair Oaks Ranch by Amanda Valdez, City Secretary and Carole Vanzant, Assistant City Manager.
- B. Christina Picioccio is no longer an authorized representative to the safe deposit box.

FURTHERMORE,

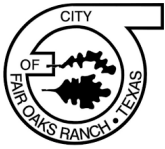
- A. The required Frost Bank paperwork shall be signed by the City Manager and attested to by the City Secretary.
- B. The City Secretary shall, upon execution of the paperwork, submit said paperwork to Frost Bank for immediate implementation.
- C. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the City.

PASSED, APPROVED, and ADOPTED on this 3rd day of September 2026.

Gregory C. Maxton, Mayor

ATTEST:

Amanda Valdez, TRMC, City Secretary



CITY COUNCIL CONSENT ITEM CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Approval of the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 3, Article 3.14, Division 2, Placement or Maintenance of Facilities in Public Right-of-Way and Appendix A, Article A11.000(d) Right-of-way construction permit

DATE: September 3, 2026

DEPARTMENT: Engineering

PRESENTED BY: Lee Muniz, P.E., CFM, Engineering Manager

INTRODUCTION / BACKGROUND:

A right-of-way (ROW) permit is required when a utility company or contractor performs work within a City street, drainage ditch, median or other public area controlled by the City. The permit process allows staff to review the proposed work, ensure the safety of public utilities, coordinate traffic control, inspect construction and confirm that streets and other public improvements are restored when the work is complete.

Recently, the City has experienced increases in utility work within rights-of-way. The GVTC fiber project required 52 permits over approximately two years and involved street micro-trenching throughout many city streets. The SAWS Fox Falls sewer project involved substantial street excavation and extended lane closures along Fair Oaks Parkway and Leslie Pfeiffer Drive. Construction occurred from December 2023 – May 2025. These projects required more staff inspection and coordination than the current ordinance and fee structure were designed to address.

Staff finds that the existing ordinance does not provide sufficient language for restoring streets after trenching or other excavation. The current standard generally requires restoration to existing conditions or better, but it does not distinguish between work performed on a newer street and work performed on a street that is already near the end of its useful life. The ordinance also applies the same fee and permit duration to both small service connections and large utility projects.

Staff reviewed right-of-way regulations used by Boerne, Helotes, Fredericksburg and San Antonio. The review was used to identify common approaches to permit duration, permit and inspection fees, trenchless construction and street restoration. The City of San Antonio fee is based on a multitude of permit factors instead of a flat fee and street restoration is based on the pavement conditions index (PCI).

Staff's proposed ordinance amendments would provide clearer requirements for utilities and contractors before construction begins. They would also allow the City to apply different requirements to small projects and major utility work rather than regulating both under the same permit structure. The revised restoration standards are intended to protect

the City's investment in its streets by considering the condition of the pavement before excavation. The proposed amended fee structure would recover a greater portion of the inspection costs associated with longer and more complex projects. The proposed amendments are shown in **Exhibit A** of the ordinance.

Staff Recommendations

The proposed amendments include revisions to the permitting standards contained in Article 3.14, Division 2, Placement or Maintenance of Facilities in the Public Right-of-Way, and Appendix A, Article A11.000 (d) Right of way construction permit of the City's Code of Ordinances.

- Creates two permit categories (Typical and Major), based on the size of the work.
 - A typical permit will apply to projects involving 50 feet or fewer of work and would be valid for up to 60 days. A major permit would apply to work exceeding 50 feet and would be valid for up to 180 days.
 - Contractors may request up to two (2) 30-day extensions when additional time is needed.
 - Trenchless (boring) construction limits will be based on bore pit length instead of infrastructure length.
- Amends the fee schedule.
 - Establishes a \$200 application fee for major permits.
 - Includes a base inspection fee of \$120.
 - Major permits will be subject to additional inspection fees based on project duration as these projects require frequent site visits, utility coordination, multiple traffic control layouts and restoration inspections.
 - Establishes reinspection, extension and expiration fees.
- Requires trenchless construction, such as boring, unless staff determines it is not feasible.
- Updates restoration requirements to prevent a utility trench from reducing the remaining service life of a street.
 - When excavation within a street is necessary, the required restoration would be based on the overall condition index (OCI) of the street before construction begins.
 - Work on higher OCI scored streets would require more extensive restoration than work on streets already in poor condition, but no trenching would be allowed for new streets.
 - The applicant would be responsible for correcting failed or incomplete restoration.
- Includes a street degradation calculation as part of the financial guarantee required.
- Updates definitions, clarifies street-closure and inspection requirements, consolidates bonding and performance-guarantee provisions and assigns routine permit administration to the Public Works Director or designee.

At the City Council workshop on August 6, staff presented a draft redlined ordinance depicting the proposed amendments. Staff received support for the amendments with one change -- increase the maintenance period from one year to two years for all restoration work within the public right-of-way. This amendment change is found in Section 3.14.036(f), and aligns with maintenance requirements for public infrastructure contained in the Unified Development Code.

POLICY ANALYSIS / BENEFIT(S) TO CITIZENS:

- Supports Goal 2.2 of the Strategic Plan to Ensure growth is guided by long-range plans and the community's voice through disciplined, proactive planning and consistent policy adherence.
- Supports Goal 3.4 of the Strategic Plan to Maintain safe and reliable roadway infrastructure while enhancing the beauty and welcoming character of public right-of-way.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

1. The proposed fees would increase revenue from right-of-way permits and inspections. The amount will depend on the number, size and duration of future utility projects.
2. The street degradation provision would provide additional financial security when a contractor fails to complete acceptable restoration.
3. Final fees or guarantee calculations are clearly described in the ordinance so applicants and staff understand when it applies and how it will be collected.

LEGAL ANALYSIS:

Ordinance approved as to form.

RECOMMENDATION / PROPOSED MOTION:

I move to approve the first reading of an ordinance amending Chapter 3, Article 3.14, Division 2, Placement or Maintenance of Facilities in Public Right-of-Way and Appendix A, Article A11.000 (d) Right-of-way construction permit of the City Code of Ordinances.

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.14 STREETS AND SIDEWALKS, DIVISION 2 PLACEMENT OR MAINTENANCE OF FACILITIES IN PUBLIC RIGHT-OF-WAY AND APPENDIX A FEE SCHEDULE, ARTICLE A11.000 (D) RIGHT-OF-WAY CONSTRUCTION PERMIT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council, on November 16, 2006, adopted Code of Ordinances Article 3.14 Streets and Sidewalks establishing the requirements, restrictions, and regulations that contractors must follow when performing construction within public right-of-way; and

WHEREAS, the City Council, on November 15, 2018, adopted Code of Ordinances Appendix A Fee Schedule, Article A11.000 Public Works, establishing fees for right-of-way construction permits; and

WHEREAS, amendments are necessary to update the current ordinances to reflect common right-of-way construction practices and to revise associated fees to more accurately account for the staff time and resources required to administer the permitting process and provide oversight; and

WHEREAS, on August 6, 2026, after staff conducted a workshop on the proposed amendments to the right-of-way and the fee ordinances, the City Council directed staff to present an amending ordinance at a future City Council meeting for consideration and action; and

WHEREAS, the City Council of the City of Fair Oaks Ranch finds it in the best interest of the City to amend regulations for construction in public right-of-way to incorporate updated construction practices, improve protection of public infrastructure, clarify requirements, and update right-of-way construction permit fees.

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

Section 1. Chapter 3 Building Regulations, Article 3.14 Streets and Sidewalks, Division 2 Placement or Maintenance of Facilities in Public Right-of-Way and Appendix A Fee Schedule, Article A11.000 (d) Right-of-way construction permit are hereby amended as set forth in **Exhibit A**.

Section 2. 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 3. 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 4.** 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 5.** 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 6.** 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 7.** 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 8.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9.** 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 3rd day of September 2026.

PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 17th day of September 2026.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Amanda Valdez, TRMC
City Secretary

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

EXHIBIT A

CODE OF ORDINANCES CHAPTER 3 - BUILDING REGULATIONS ARTICLE 3.14 STREETS AND SIDEWALKS

Division 2. Placement or Maintenance of Facilities in Public Right-of-Way¹

Sec. 3.14.031 Definitions

For the purposes of this division the following words, terms, and phrases shall have the meanings ascribed thereto, unless the context of their usage clearly indicates otherwise:

Area of Influence. A composite trench area calculation that accounts for depth and is used as a component of the Street Degradation Fee.

City Manager. The person hired as such by the City Council.

City Council. The governing body of the City.

Emergency. A situation which, unless immediate remedial action is taken, will likely result in harm to public health, safety, and/or welfare.

Equivalent Granular Thickness. A determination of a multi-layer road material (asphalt, base material, and subgrade) thickness into a single standardized number representing the total depth of base gravel needed to provide the exact same structural strength.

Facilities or facility. Shall mean and include, but shall not be limited to, pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennas, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or other items of tangible personal property which are designed, constructed, installed, placed, used or operated in, upon, over, across, above, or below public rights-of-way. Notwithstanding the foregoing, structures designed and constructed for the support and passage of vehicular and pedestrian traffic, such as streets, alleys, highways, driveways, and sidewalks, whether at, below, or above grade, shall not be deemed to be facilities. Provided further, a private individually owned connection and/or attendant downstream service line or device, through which a utility service is received by the end user owning same, for which required permits have been issued under applicable building, plumbing, electrical, or other codes of the City, shall not be deemed as facilities hereunder.

Major Right-of-Way Permit. Any construction activity within the right-of-way that involves a large amount of non-City infrastructure improvements over a long distance typically exceeding 50 feet. Boring projects will be measured based on the required bore pit locations and not the infrastructure length.

¹State law reference(s)—Use of municipal streets and sidewalks for public conveniences and amenities or for private uses, V.T.C.A., Transportation Code, ch. 316; management of public right-of-way used by telecommunications provider, V.T.C.A., Local Government Code, ch. 283.

EXHIBIT A

Overall Conditions Index (OCI)- A numerical rating system used by the City to assess the surface condition, roughness, health, and structural integrity of a road surface ranging from 0 to 100. Higher score means the street is in new or great shape.

Percent Loss of Life. A percentage calculation is used to determine the reduced life of a street based on a trench excavation. Street's initial life is quantified by a OCI score. The percentage is used to determine the Street Degradation Fee.

Person. An individual, corporation, association, partnership, joint venture, firm, limited liability partnership, joint stock company, association, governmental entity other than the City, or any other public or private entity.

Public rights-of-way or public right-of-way. The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement, or similar property within the corporate limits of the City, and in which the City holds a property interest (fee title, easement or otherwise), or over which the City holds and exercises a right of management or control, and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation and maintenance of facilities.

Street Degradation Fee. A fee used as financial security when street restoration is not completed does not meet the City's minimum standards, or failures within restoration areas occur. The fee is based on the multiplication of the Area of Influence, Percent Loss of Life, and Equivalent Granular Thickness. Fee will be part of the Guarantee of Performance.

Typical Right-of-Way Permit. Any construction activity within the right-of-way that is minor with minimal non-City infrastructure improvements that do not exceed a distance of 50 feet. Boring projects will be measured based on the required bore pit locations and not the infrastructure length.

User. A person having facilities within a public right-of-way.

Sec. 3.14.032 Penalties and Remedies

- (a) Criminal penalty. Any person who violates any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in section 1.01.009 of this Code. Each day of violation shall constitute a separate offense. Prosecution for, and imposition of, criminal penalties under this subsection shall not bar the City from seeking other additional remedies as may be provided in this division, by law, or in equity.
- (b) Civil penalties. Civil penalties may be imposed for a violation of any provision of this division, as follows:
 - (1) Up to one thousand dollars (\$1,000.00) for each violation, with each day constituting a separate and new violation; and/or
 - (2) Revocation of any or all permits granted to allow work in public rights-of-way, subject to procedural guidelines provided in this division and any agreement which applies to the person subject to the complaint, and subject to any limitation imposed by federal or state law.

EXHIBIT A

Sec. 3.14.033 Unauthorized Use Prohibited

Except as otherwise specifically provided by law, this division, or any other ordinance of the City applicable thereto, it shall be unlawful for any person to cause or permit the placement, construction, operation or maintenance of any facility within public rights-of-way unless authorization has been granted by the City in accordance herewith or in accordance with such other ordinance of the City applicable thereto. Provided further, nothing herein shall be construed as superseding or preempting any provision of the City's regulations applicable to wireless telecommunications facilities.

Sec. 3.14.034 Registration of Users

It shall be unlawful for any person to place facilities within public rights-of-way without having first filed with the City an application for registration therefor. The ~~City Manager~~ Public Works Director or designee shall issue a registration certificate to each person successfully completing and filing such application. Each registration certificate shall be issued in the name of the user. Registration certificates shall be renewed every ~~60~~ 24 months. When information provided in an application for a registration certificate is no longer correct, the user shall inform the City, in writing, within 30 days following the date of such change. Each application for registration shall include:

- (1) The name and legal status of the user;
- (2) The name, address, telephone number, e-mail address, and fax number of the individual(s) who will be the contact(s) for the user;
- (3) The name, address, telephone number, e-mail address, and fax number of the individual(s) who will be the contact(s) for field location of facilities;
- (4) The name, address, telephone number, e-mail address and fax number of an emergency contact who shall be available 24 hours a day; and
- (5) Proof of insurance and bonding, as otherwise required herein.

Sec. 3.14.035 Unauthorized Construction Prohibited

It shall be unlawful for any person to cause or permit the construction or installation of facilities within public rights-of-way within the City except as provided by this division and any other ordinance of the City applicable thereto.

Sec. 3.14.036 Construction Regulations; Restoration of Surface; Maintenance Requirements

- (a) Excavations. All excavations and other construction in the public rights-of-way shall be performed in accordance with all applicable state, federal, and City regulations.
- (b) Interference with use of property. All construction within public rights-of-way shall be undertaken so as to minimize interference with the use of public and private property and in accordance with any lawful direction given by the City under the police and regulatory powers of the City.

EXHIBIT A

- (c) Construction permits. It shall be unlawful for any person to cause or permit any work which involves the storage of construction material or the construction, installation, expansion, repair, removal, or maintenance of facilities within public rights-of-way without having first applied for and obtained from the City a construction permit therefor. Provided, however, acquisition of construction permits shall not be required for any such work that does not involve the alteration or disturbance of the surface/aerial of the right-of-way. Each construction permit application shall include a written work description, including construction drawings, showing the facilities' location (or proposed location) and the estimated depth of the facilities (existing and proposed) in the immediate area of the proposed new construction. Such drawings shall be reviewed by the City and, if disapproved, returned with comments setting forth the reasons for such disapproval within 10 working days of receipt of the drawings. Except as otherwise specifically provided herein, work shall not commence until applicable construction permits have been approved therefor. Review and approval by the City of construction permits as provided herein shall not constitute any representation or warranty regarding the sufficiency of design or construction of such facilities. All such work shall be in conformance with the approved construction permit. Work for which a permit is required may be performed at any time; provided, however, any such permitted work performed within 500 feet of any residential structure may only be performed between the hours of 7:00 a.m. and 7:00 p.m. Any permitted work performed outside of the above working hours must be approved in advance by the Public Works Director or his designee. Provided further, all such construction and/or installation work shall be completed ~~in the time specified in the permit~~ 60 days for a Typical ROW Permit or 180 days for a Major ROW permit. If the work cannot be completed within the specified time period, the user may request a 30-day extension from the Public Works Director or designee, but is limited to two (2) extensions per permit, which extension shall not be unreasonably withheld. If a permit expires without applying for an extension, a fee will be applied when renewing the permit and the permit will automatically be elevated to a Tier 4 Major ROW permit.
- (d) Emergency repairs; restoration of service. Notwithstanding the foregoing subsection (c), during an emergency where, in the good faith judgment of the user, failure to act immediately could jeopardize public health, safety, or general welfare, or in situations where a repair is necessary to restore service to a customer, such user may perform repairs to facilities within public rights-of-way which involve the alteration or disturbance of the surface of such public right-of-way without prior notification to or acquisition of a construction permit from the City. In such cases, the user shall notify the Public Works Director or designee of the City as promptly as possible after beginning the work, but in no event later than the close of business on the next business day, stating the nature of such repairs and, if not completed, the length of time estimated to complete same. The user shall apply for the required approvals as soon as reasonably practicable, and any work performed that is not consistent with then-applicable City standards shall be corrected upon notice thereof from the City.
- (e) Restoration of surface. A user may excavate public rights-of-way only for the purpose of, and to the extent reasonably required for, the construction, installation, expansion, repair, removal, or maintenance of its facilities. Upon completion of work, the user

EXHIBIT A

shall promptly restore the surface of the affected public right-of-way to a condition that equals or exceeds its condition prior to such construction. To such end, the restoration shall comply with the following requirements:

- (1) Replacing all-natural ground cover equal to or better than the type of ground cover damaged during work, either by sodding or seeding, ~~or natural growth~~;
- (2) Installation of all manholes and hand-holes as required;
- (3) All bore pits, potholes, trenches or any other holes shall be filled in or covered daily, unless other safety requirements are approved by the Public Works Director or designee;
- (4) Leveling of all trenches and backhoe lines;
- (5) Restoration of the excavation site to City specifications; and Street restoration shall be based on street OCI scores which are as follows:
 - I. OCI of 100 to 91 – No trenching is allowed
 - II. OCI of 90 to 76 – Full street mill and overlay from city block to block
 - III. OCI of 75 to 51 – Half street mill and overlay 25 feet from the extreme limits of excavation
 - IV. OCI of 50 to 0 – Trench repair will need to be replaced to existing conditions or better
- (6) Restoration of all landscaping and other affected structures such as sprinkler systems and mailboxes.
- (f) Maintenance period; delay in construction. All restoration work shall be maintained by the user to the satisfaction of City for a period of ~~one (1)~~ two (2) years from the date of completion of such restoration work. Please see section 3.14.047 Guarantee of Performance of this code for more information. All street restoration work shall be warrantied until the area falls below a OCI score of 51 or is improved through a full street restoration project. Street degradation fees shall be applied for any failures within a street restoration. No public right-of-way shall be encumbered by construction, maintenance, removal, restoration, or repair work for a longer period than shall be necessary to execute such work. If there is an unreasonable delay by the user in restoring and maintaining the public right-of-way or restoring such public right-of-way after such excavations, construction, installation or repairs have been made, the City shall notify the user in writing that, if such restoration or maintenance is not performed within five (5) working days of receipt of such notice, the City shall have the right to restore or repair the same and to require the user to pay the reasonable cost of such restoration or repair, including any and all required indirect administrative expenses incurred by the City, including salary, benefits, and proportionate office expense. Furthermore, if restoration is not satisfactory and performed in a timely manner, all work in progress, except that related to the problem, including all work previously permitted but not complete, may be halted and a hold may be placed on any permits not approved until all restoration is complete.

EXHIBIT A

- (g) Routine maintenance. Routine maintenance of facilities located within public rights-of-way shall be conducted in a manner that is consistent with applicable City regulations governing such work, if any.
- (h) Obstructions to traffic. Any obstruction of vehicular or pedestrian traffic resulting from construction or repair activities to facilities, other than for emergency repairs, shall require prior notification to the ~~City Manager~~ Public Works Director or designee and/or the Chief of Police. Any such work shall be performed in a manner calculated to cause the least inconvenience to the City and the public as is reasonably possible under the circumstances. When a user performs or causes to be performed any work over or across a public street or sidewalk, or so closely adjacent thereto as to create hazards for the public or itself, the user shall provide construction and maintenance signs and sufficient barricades and flagmen at such sites as are reasonably necessary to protect the public and the user's equipment and workers. The application of such traffic-control devices shall be consistent with the standards and provisions of the latest edition of the Texas Manual on Uniform Traffic-Control Devices. Appropriate warning lights shall be used at all construction and maintenance zones where one (1) or more traffic lanes are being obstructed during nighttime conditions.
- (i) Closing of streets. If a user's work requires the ~~obstruction-partial closure of longer than 30 minutes or full closure~~ of any street ~~for a period longer than 30 minutes, such obstruction-closure~~ shall be approved by the ~~City Manager~~ Public Works Director or designee and/or the Police Chief, which approval may be conditioned on adequate traffic-control measures. The user shall ~~not close any public street, but shall~~ at all times maintain a route of travel along and within any roadway that is within a public right-of-way; provided, however, in cases of an emergency, the ~~City Manager~~ Public Works Director or designee and/or the Police Chief may authorize the temporary closing of a public street or sidewalk to allow the user to complete such emergency repairs if, in the opinion of the ~~City Manager~~ Public Works Director or designee and/or the Police Chief, such closing is necessary to protect the safety of the general public. The user shall provide construction and maintenance signs and sufficient barricades and flagmen at such sites as are reasonably necessary to protect the public and the user's equipment and workers. The application of such traffic-control devices shall be consistent with the standards and provisions of the latest edition of the Texas Manual on Uniform Traffic-Control Devices.
- (j) Permanent construction drawings. Within 120 days following completion of construction, or within 120 days following any material alteration or modification thereto, the user shall supply the City with a complete set of construction drawings for the work, or for the material alteration or modification thereof, unless the user certifies to the City, in writing, that such construction was completed in accordance with the construction plans filed pursuant to subsection (c) above, in which case such construction plans shall be marked accordingly by the City and filed as the permanent construction drawings. For the purposes hereof, a material alteration or modification of a facility shall be deemed to have occurred if such alteration or modification would render the existing construction drawings inaccurate and/or misleading regarding the

EXHIBIT A

location of a structural component thereof. Such drawings shall be of sufficient detail to allow the City to determine the location of the facilities with reasonable accuracy.

Sec. 3.14.037 Conservation of Right-of-Way; Use of Existing Facilities

- (a) To the extent the City may be authorized by state or federal law to do so, and to the extent reasonable under the circumstances then existing, the City may require a user to attach portions of its facilities to other facilities within the public rights-of-way owned and maintained by other persons. A user shall not be required to attach its facilities to the facilities of such other persons if it is shown that such user would be subjected thereby to increased risks of interruption to its service, to increased liability for accidents, or to unreasonable delays in construction or availability of service, or if the facilities of such other person are not of the character, design, or construction required by, or are not being maintained in accordance with, current practice, or are not available to the user on reasonable terms, including, without limitation, reasonable fees.
- (b) Insofar as is practical to do so, users shall use existing facilities in the provision of their services; provided, however, nothing contained herein shall be construed as limiting a user from expanding its facilities to accommodate future growth and development. Users shall provide information to the City relating to the location and/or operation of their facilities or services as may be reasonably necessary for municipal planning purposes.

Sec. 3.14.038 Relocation or Removal of Facilities

- (a) To the extent the City may be authorized by law to do so, a user may be required to lower, place underground, relocate, or remove any facility within any public right-of-way, without cost to the City, if reasonably necessary, as determined by the City Council, to abate a condition actually or potentially dangerous to public health or safety, or as may be reasonably necessary to accommodate the construction, repair, maintenance, removal, or installation of any publicly funded City project within the City in, upon, or under public rights-of-way, including, without limitation, street construction and widening, water, sanitary sewer, storm drains, streetlights, and traffic signal conduits, or any other public facilities in, upon, or under the public rights-of-way. In the alternative, where the City Council determines it to be feasible, a user may be allowed to pay the additional costs incurred for the design and/or construction of any such publicly funded City project in a manner that would avoid the necessity of relocation or removal of the facilities. A user shall be provided **with** the opportunity to collaborate in advance with the City and/or propose alternatives in order to minimize costs, better schedule the work, and accommodate suitable refinements and/or joint work with others.
- (b) In the event of any such requirement for lowering, placing underground, relocating, or removing facilities as herein provided, the user shall complete same as soon as is reasonably practicable following written notice thereof by the City.

EXHIBIT A

Sec. 3.14.039 Obsolete Facilities

Users shall remove facilities from the public rights-of-way when such facilities are obsolete, are no longer in service, and create either visual blight or a nuisance to the public; provided, however, a user shall not be required to remove any facility for which renovation or restoration is planned by the user. If the owner of facilities located in the public rights-of-way ceases to use the facilities, all other users must cease to use the facilities within six (6) months, and the facilities must be removed by the owner. When permanent structures in public rights-of-way are removed, the City shall be notified in writing of such removal.

Sec. 3.14.040 Bonding

~~All users, other than governmental entities, shall comply with all applicable regulations of the City relating to the provision of bonds or other security which may be required in connection with work in public rights-of-way.~~

Sec. 3.14.041 Temporary Rearrangement of Aerial Wires and Cables

Upon request, a user shall remove or raise or lower its aerial facilities temporarily to permit the moving of houses or other bulky structures. The expense of such temporary rearrangements shall be paid by the party or parties requesting same, excluding requests by the City. The user may require payment in advance. The user shall be given a reasonable amount of advance notice to provide for such rearrangement.

Sec. 3.14.042 Tree Trimming

Users shall comply with all applicable rules, regulations, and ordinances of the City governing the trimming, grooming, or removal of trees or other similar vegetative matter.

Sec. 3.14.043 Erosion and Stormwater Measures

Erosion control measures shall be implemented prior to commencement of any work. The user shall comply with stormwater management erosion control that complies with City, state and federal laws, regulations, and guidelines. Requirements may include, but shall not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established and barricade fencing around open holes. High erosion areas require wire-backed silt fencing.

Sec. 3.14.044 Placement of Facilities; Inspections

- (a) All new facilities constructed or installed ~~on or after the effective date hereof (ordinance adopted November 16, 2006)~~ shall be buried underground where possible. Trenchless (boring) technology shall be required for all infrastructure installation within the right-of-way unless it has been determined that it is not economically feasible. The Public Works Director or designee will make the determination whether trenchless technology is not feasible. Except as otherwise provided hereinafter, all facilities constructed or installed above ground shall be approved by the City. Pedestals,

EXHIBIT A

junction boxes, metering facilities and similar appurtenances may be placed above ground. Users shall not place facilities within public rights-of-way in such a manner as to unreasonably interfere with existing electrical, cable, or telecommunications fixtures, water hydrants or mains, or drainage or sanitary sewer facilities, and all such facilities shall be placed in such manner as not to interfere with usual travel or public and/or municipal use of the public rights-of-way. The City shall have the right to direct the location of facilities in public rights-of-way.

(b) The installation, repair, construction, maintenance, and replacement of facilities in the rights-of-way shall be subject to inspection and approval by the City. Users shall cooperate fully with the City in conducting inspections. Users shall promptly perform remedial action required by the City pursuant to such inspection.

- 1) Applicants will need to coordinate all inspections with the Infrastructure Inspector. Inspection requirements will be categorized based on the type of permit pulled.
 - a) Typical ROW permit – will require a minimum of two (2) inspections which shall include one for storm water pollution prevention measures/traffic control plan and one for completed restoration of all disturbed areas.
 - b) Major ROW permit – inspections for this type of permit will be based on the tier category the ROW permit falls under. All major ROW permits will require the same minimal inspections for Typical ROW permits. The Tier inspection criteria shall be based on the overall length of the project and are as follows:
 - i) Tier 1 – duration of work within the ROW that ranges from 61 to 90 days
 - ii) Tier 2 – duration of work within the ROW that ranges from 91 to 120 days
 - iii) Tier 3 – duration of work within the ROW that ranges from 121 to 150 days
 - iv) Tier 4 – duration of work within the ROW that ranges from 151 to 180 days
 - c) If the Major ROW permit exceeds the designated time based on the permit, the ROW permit will be considered a Tier 4 ROW permit inspection and must pay the permit extension fee or apply for a new permit.
- 2) Re-inspection will be allowed for any inspections that do not meet the City's standards or any regulations.

Sec. 3.14.045 Line Location and Identification

Users shall be responsible for obtaining line locations from the state one-call system, the City water and wastewater utility, and all affected utilities and others with facilities in the public right-of-way, prior to any excavation. Use of the geographic information system or plans of record shall not satisfy this requirement. The user shall be responsible for verifying the location, both horizontal and vertical, of all facilities. When required by the Public Works Director or designee, a user shall verify locations of potential conflicts with existing facilities by potholing, hand digging, or other similar method, prior to any excavation or boring. Placement of all manholes and/or hand-holes must be approved in advance by the Public Works Director or designee. Hand-holes or manholes shall not be located in sidewalks unless approved by the Public Works Director or designee. Location flags shall not be removed while facilities are being constructed. All location flags shall be removed during the cleanup process by the user at completion of work. The user, or his

EXHIBIT A

agent, contractor, or subcontractor, shall notify the ~~City Manager~~ Public Works Director or ~~his~~ designee immediately of any damage to other utilities.

Sec. 3.14.046 Planning for Capital Improvement Projects

Users shall apprise the City of existing and planned construction, maintenance, and other activities of the user within public rights-of-way. Except for emergencies, users shall coordinate all installations and construction within the public rights-of-way with the City's capital improvement programs. The City shall notify the user within 60 days of the date the City will demand relocation or removal of users' facilities to facilitate the City's capital program. Within 60 days following receipt of the City's notice thereof, each user shall provide a written report to the City identifying and describing generally the existing facilities that are within or cross through boundaries of each project identified by the City. The City and the user shall provide to each other the names of their respective designated officials who will serve as representatives for coordination of the exchange of information and planning on any such project. Users shall field-locate their facilities, and identify same with surface markings, within 15 working days following the City's request therefor.

Sec. 3.14.047 Guarantee of Performance

- (a) All users, other than governmental entities, shall comply with all applicable regulations of the City relating to the provision of bonds or other security which may be required in connection with work in public rights-of-way.
- (b) Each user, at the time of submission of its initial and each renewal registration application, shall file with the City a guarantee of performance of the user's obligations hereunder, whether to be performed by the user or any contractor or subcontractor on behalf of the user, to complete the installation of its facilities within the public rights-of-way in accordance with the permits and approved plans and specifications therefor. Such guarantee shall be payable to the City, in the amount ~~of fifty thousand dollars (\$50,000.00). Provided, however, in the event a user, or a contractor or subcontractor performing work on behalf of a user, applies for a permit for work in which the estimated cost of restoration will exceed fifty thousand dollars (\$50,000.00), such user shall file a supplemental guarantee for such additional reconstruction costs, equal to the estimated cost for labor and construction of the permitted infrastructure and an additional fee based on street degradation as follows:~~
- (1) Area of Influence x Percent Loss of Life x Equivalent Granular Thickness (EGT)
 - (2) Area of Influence - [(Length + (Depth times 2)) x (Width + (Depth times 2))]/ 9
 - (3) Percent Loss of Life - (0.0039) x ((OCI/20) ^ 6.3963) and OCI scores can be determined based on City Maps.
 - (4) EGT depth should be determined based on the street section asphalt, base material, and subgrade. Each of the depths will have a factor applied to it to determine the actual EGT depth. Asphalt, base material, and subgrade will have a depth factor multiplier of 2, 1, and 0.7 respectively. Once the EGT depth is determined, the following rates shall be used for the Street Degradation Fee:

EXHIBIT A

(1) Thin (<15 in.) - \$28/SY

(2) Medium (15 to 20in.) - \$34/SY

(3) Thick (>20in.) - \$42/SY

Such guarantee may take the form of a bond, an irrevocable letter of credit, or a statement of fiscal responsibility, as set forth below:

- (1) Bond. A corporate surety bond issued by a corporate surety authorized to do business in the state. The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be canceled by the surety, nor may any intention not to renew be exercised by the surety, until 60 days after receipt by the City, by registered or certified mail or written notice, of such intent to cancel or to not renew." The rights reserved to the City with respect to the bond are in addition to all other rights of the City, and no action, proceeding, or exercise of a right with respect to such bond shall affect any other rights of the City.
- (2) Letter of credit.
 - (A) An irrevocable letter of credit, in a form satisfactory to the Mayor Public Works Director or designee, shall be issued by a federally insured commercial lending institution with a credit rating of BAA or BBB+ or higher. The federally insured commercial institution on which the irrevocable letter of credit is to be drawn shall be acceptable to the City. The irrevocable letter of credit shall contain the following endorsement: "At least 60 days' prior written notice shall be given to the Mayor Public Works Director or designee by the financial institution of any intention to cancel, replace, fail to renew, or materially alter this irrevocable letter of credit. Such notice shall be given by certified mail to the Mayor Public Works Director or designee. The City of Fair Oaks Ranch may draw upon this irrevocable letter of credit by presentation of a draft at sight, accompanied by a written certificate signed by the Mayor Public Works Director or designee of the City, certifying that (user) has failed to comply with provisions of ordinances applicable to (user's) use of public rights-of-way within the City of Fair Oaks Ranch, Texas."
 - (B) After providing a user with 30 days' advance written notice of any amount due and owing, and the user's failure to pay such amounts, the City may draw upon the irrevocable letter of credit by presentation of a draft at sight, on the lending institution, accompanied by a written certificate signed by the Mayor Public Works Director or designee certifying that the user has failed to comply with the provisions of this division.
 - (C) The user shall structure the irrevocable letter of credit in such a manner that, if the City draws upon the irrevocable letter of credit and reduces the amount of available credit to an amount below fifty thousand dollars (\$50,000.00), the user shall replenish the irrevocable letter of credit to a minimum of fifty thousand dollars (\$50,000.00) within five working days after the available credit is reduced to an amount below fifty thousand dollars (\$50,000.00). The

EXHIBIT A

intent of this subsection is to ensure that the credit available to the City shall at no time fall below fifty thousand dollars (\$50,000.00).

- (3) Statement of fiscal responsibility. Written evidence, in the form of its most recent audited financial statement, showing assets or reserves sufficient to cover the amount of the guarantee required by this section. If the user's assets or reserves are no longer adequate to comply with the amounts required by this section, the user shall immediately notify the City and shall obtain a bond or letter of credit as set forth above.

(c) The rights reserved to the City with respect to the financial guarantees provided for in this section are in addition to all other rights of the City, whether reserved by this division or otherwise authorized by law, and no action, proceeding, or right with respect to the guarantee shall affect any other right the City has or may have.

Sec. 3.14.048 Insurance and Indemnity

- (a) Insurance. A user shall procure and maintain insurance in full force and effect at all times while its facilities are located in the public rights-of-way. Insurance shall cover all risks associated with the use and occupancy of such rights-of-way. Coverages shall be on an "occurrence basis." The insurance requirements applicable to a user under this section shall be applicable to all persons performing work within public rights-of-way on behalf of such user unless such person is covered, or named as an additional insured, under the policies of insurance supplied by the user pursuant hereto. If any person other than a user is required to provide such insurance, the provisions referring to a user hereinbelow shall be construed to mean such person.

- (1) Risks and limits of liability. The insurance, at a minimum, must include the following coverages and limits of liability:

- (A) Workers' compensation and employer's liability: Statutory.
- (B) Employer's liability: Bodily injury one million dollars (\$1,000,000.00) (each occurrence).
- (C) Commercial general liability: Combined single limit for bodily injury and property damage of one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) aggregate.
 - (i) All premises/operations.
 - (ii) Independent contractors.
 - (iii) Products/completed operations.
 - (iv) Personal and advertising injury.
 - (v) Contractual liability.
 - (vi) Explosion, collapse and underground hazards.

EXHIBIT A

(D) Comprehensive automobile liability, including coverage for loading and unloading hazards: Combined single limit for bodily injury and property damage of one million dollars (\$1,000,000.00) per occurrence.

(i) Owned/leased vehicles.

(ii) Non-owned vehicles.

(iii) Hired automobiles.

(E) Excess coverage: five million dollars (\$5,000,000.00) per occurrence/combined aggregate in excess of limits specified for employer's liability, commercial general liability, and automobile liability.

Note: Aggregate limits are for a 12-month policy period, unless otherwise indicated.

- (2) Form of policies. The insurance may be in one (1) or more policies of insurance, the form of which must be approved by the state insurance commissioner.
- (3) Issuers of policies. The issuer of any policy shall be authorized to transact insurance business in the state.
- (4) Insured parties. Each policy shall name the user and the City (and the officers, agents and employees of the City) as insured parties.
- (5) Deductibles. The user shall assume and bear any claims or losses to the extent of any deductible amounts and waives any claims it may ever have for the deductible amounts against the City, its officers, agents or employees.
- (6) Cancellation. Each policy shall expressly state that it may not be canceled or nonrenewed unless 30 days' advance notice of cancellation or nonrenewal is given in writing to the City.
- (7) Subrogation. Each policy shall contain an endorsement to the effect that the issuer waives any claim or right in the nature of subrogation to recover against the City, its officers, agents or employees.
- (8) Liability for premium. If any of the policies referred to above do not have a flat premium rate, and such premium has not been paid in full, such policy shall have a rider or other appropriate certificate or waiver sufficient to establish that the issuer is entitled to look only to the user for any further premium payment and has no right to recover any premiums from the City.
- (9) "Other insurance" clause. The insurance policy(ies) shall provide that the "other insurance" clause does not apply to the City where the City is shown on the policy as an additional insured.
- (10) Delivery of policies. The originals of all policies referred to above, or copies thereof certified by the agent or attorney-in-fact issuing them, together with written proof that the premiums have been paid, shall be deposited by the user with the City Secretary prior to commencement of any work. Failure on the part of the user to furnish a new policy or certified copy thereof before the expiration date of any such policy, or failure to obtain a new policy before the date fixed for

EXHIBIT A

the cancellation of an existing policy, so that the insurance referred to shall be continuously in effect, shall constitute a violation hereunder.

- (11) Liability of user. The City's approval, disapproval, or failure to act regarding any insurance supplied by a user shall not relieve such person from full responsibility or liability for damages and accidents arising out of use or occupancy of the public right-of-way. Neither bankruptcy, insolvency nor denial of liability by the insurance company shall exonerate the user from liability.
- (12) Self-insurance. A user may elect to self-insure to provide the insurance coverage required hereunder, subject to the restrictions set forth in this subsection, provided the user submits to the City copies of its certificates of self-insurance from the State Department of Insurance, and its most recent audited financial statements show self-insurance reserves or other assets sufficient to pay judgments equal to the limits set forth above. A user shall also provide the City documentation, evidencing its process for reviewing and paying claims. The City shall be protected by a user's self-insurance to the same extent as an additional insured on a policy issued by an insurance company. If a user's self-insurance program ceases, or a user's assets or reserves are no longer sufficient to comply with the above coverage requirements, the user shall immediately notify the City of such lapses of coverage, and the user shall obtain commercial insurance, in accordance with the above requirements, within 30 days following such notice.

(b) Indemnity.

- (1) To the extent permitted by law, each user, and each person performing work within a public right-of-way as a contractor on behalf of a user, shall indemnify and hold the City harmless as set forth below. If any person other than a user is required to provide such indemnity, the provisions referring to a user hereinbelow shall be construed to mean such person.
- (2) The user shall promptly defend, indemnify, and hold the City harmless from and against all damages, costs, losses, or expenses:
 - (A) For the repair, replacement, or restoration of the City's property, equipment, materials, structures, and facilities which are damaged, destroyed, or found to be defective solely as a result of the user's acts or omissions; and
 - (B) From and against any and all claims, demands, suits, causes of action, and judgments for:
 - (i) Damage to or loss of the property of any person (including, but not limited to, the user, its agents, officers, employees, and subcontractors, and the City, its agents, officers, and employees, and third parties); and/or
 - (ii) Death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person (including, but not limited to, the officers, agents, and employees of the user, the user's contractors, and the City's officers, agents, and employees, and third parties), arising out of, incident to, concerning, or resulting from the negligent or willful acts or omissions of

EXHIBIT A

the user, its officers, agents, employees, and/or subcontractors, in the performance of activities pursuant to this division.

- (3) This indemnity provision is intended to include liability arising from the City's alleged negligence, but only to the extent such liability arises out of a claim or claims that the City was negligent in authorizing the user to use or occupy the public rights-of-way, in regulating the conduct of the user, or in failing to prevent the user from acting in a negligent or wrongful manner.
- (4) For purposes of this indemnification provision, acts or omissions of the officers, agents, employees and contractors of the user shall be considered the acts and omissions of the user.
- (5) The indemnity provision set forth above is solely for the benefit of the City and the user and is not intended to create or grant any rights, contractual or otherwise, to any other person.

Sec. 3.14.049 Revocation or Denial of Construction Permits

If any provision of this division is not followed, a permit for the construction of facilities may be revoked. If a person has not followed the terms and conditions of this division with respect to work done pursuant to a prior permit, new permits may be denied, or additional terms may be required.

Sec. 3.14.050 Appeals

Appeals from denials or revocations of permits shall be to the City Council. Appeals shall be filed in writing with the City Manager within 15 days of the date of the denial or revocation. A hearing shall be held within 30 working days of the date the appeal is filed with the City Manager.

Sec. 3.14.051 Conflicts with Franchises or Other Authorizations

In the event of conflict between the provisions of this division and any franchise or other written authorization heretofore or hereafter approved by City, the provisions of this division shall control. Provided, however, any condition imposed pursuant to the issuance of a permit shall be in addition to the requirements hereof.

Sec. 3.14.052 Notices to City

- (a) Any notice required to be given to the City hereunder shall be given in writing, and may be effected by:
 - (1) Personal delivery if delivered to the ~~Mayor~~ **City Manager** or his designee **and to the City Secretary**;
 - (2) Facsimile or electronic mail, if delivered to the ~~Mayor~~ **City Manager** or his designee and to the City Secretary; or

EXHIBIT A

- (3) United States mail, postage prepaid, registered or certified, return receipt requested, addressed to the Mayor or his designee and to the City Secretary.
- (b) No notice shall be deemed given until actual receipt by the City as hereinabove set forth.

EXHIBIT A

APPENDIX A - FEE SCHEDULE ARTICLE A11.000 PUBLIC WORKS

(d) Right-of-way construction permit ~~\$100.00.~~

~~(1) Failure to obtain permit \$50.00.~~

1. Typical ROW Permit

a. Application Fee - \$100.00

b. Inspection Fee - \$120.00

2. Major ROW Permit

a. Application Fee - \$200.00

b. Inspection Fee - \$120.00 + Tier Inspection fee

i. Tier 1 Inspection Fee - \$30.00 per day of inspections

ii. Tier 2 Inspection Fee - \$45.00 per day of inspections

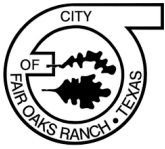
iii. Tier 3 Inspection Fee - \$60.00 per day of inspections

iv. Tier 4 Inspection Fee - \$90.00 per day of inspections

3. Re-inspection Fee - \$60.00

4. Permit Extension Fee - \$100.00

5. Permit Expiration Fee - \$30.00



CITY COUNCIL CONSENT ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Approval of Council Member Parker's absence from the August 20, 2026, Regular City Council meeting

DATE: September 3, 2026

DEPARTMENT: City Council

PRESENTED BY: Scott Parker, Council Member, Place 5

INTRODUCTION / BACKGROUND:

Council Member Parker requests approval from missing the August 20, 2026, Regular City Council meeting due to an illness.

POLICY ANALYSIS / BENEFIT(S) TO CITIZENS:

Complies with Section 3.09 of the Home Rule Charter.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

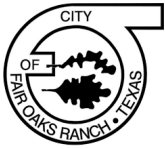
N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION / PROPOSED MOTION:

I move to approve Council Member Parker's absence from the August 20, 2026, Regular City Council meeting.



CITY COUNCIL PUBLIC HEARING CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: The City Council of the City of Fair Oaks Ranch, Texas will conduct a public hearing to receive public testimony on proposed amendments to the Unified Development Code

DATE: September 3, 2026

DEPARTMENT: Public Works & Engineering

PRESENTED BY: Jessica Relucio, ENV SP, City Planner

INTRODUCTION / BACKGROUND:

Section 3.6 of the Unified Development Code (UDC) and Section 211.006 of the Texas Local Government Code require the City Council and Planning and Zoning Commission to hold public hearings to receive public testimony regarding the proposed UDC amendments.

Over the past several months, staff held three workshops with the City Council and the P&Z to develop recommendations regarding the proposed amendments. The amendments update regulations on outdoor lighting, hemp and kratom retail sales, data centers, religious institutions, and procedures for political signage on public property when used as a poll site. Additionally, staff recently became aware of Senate Bill 785 from the 2025 legislation session related to cities with zoning that must allow HUD-code manufactured homes by right in at least one residential district. Staff developed proposed amendments to comply with the Bill which goes into effect on September 1, 2026. A summary of all proposed amendments is provided below:

1. Outdoor Lighting

a. Administrative Revision

- i. Existing Code: The UDC has duplicate code sections that are repetitive or conflict with the Code of Ordinances.
- ii. Recommendation: Consolidate all provisions into a single, concise ordinance to be codified in the Code of Ordinances, Article 3.15 Outdoor Lighting. The proposed code amendments include reaffirming that recreational lighting must cease at 10 p.m., rather than 11 p.m., and motion-sensored lights illuminate for five minutes at a time rather than 10 minutes. Updates to the Code of Ordinances do not require any action by the P&Z.

2. Retail Sale of Hemp

a. Land Use

- i. Existing Code: No distinction between retail of general products and retail of hemp products (CBD, THC, cannabis). Therefore, any legal product, including hemp, is permitted to operate and sell products in

the same way as general retail, such as clothing retail.

- ii. Recommendation: Texas Agricultural Code 122.002 prohibits municipalities from eliminating the sale of hemp; however, regulations can be applied through zoning and land use regulations:
 1. Addition of a separate land-use category for “Retail Sale of Hemp” to be permitted conditionally in the Logistics and Mixed-Use Zone Districts.
 2. Addition of a required condition enacting a minimum distance of 500 feet from residential zones, schools, religious institutions, daycares, all alcohol establishments, e.g., bar, winery, restaurant, micro-pub, and other hemp retail stores. For incidental uses in which 20% or less of the store display's gross square footage consists of hemp products, the minimum distance requirement does not apply.
 3. Addition of a definition for "Hemp" from the Texas Agricultural Code Section 121.001.

b. Legal Nonconforming

- i. If this amendment is supported, there is one existing hemp retail shop, which will be legal nonconforming due to the conditions not being met. A notice of nonconforming letter was sent to the location of business 10 days prior to the public hearing, per the Local Government Code Section 211.007 and UDC Section 4.14.

3. Retail Sale of Kratom

a. Land Use

- i. Existing Code: The UDC does not have regulations for businesses selling kratom, and it is legal to sell in Texas.
- ii. Recommendation: Texas adopted the Kratom Consumer Health and Safety Protection Act in 2023, allowing the sale of kratom less than 2% of 7- hydroxymitragynine with a minimum age of 18, product labeling showing the substance in a product, ingredients, origin of kratom, and safe-use directions. Local municipalities may impose restrictions through zoning and land use regulations and the following are proposed:
 1. Regulate through zoning; recommend to conditionally permit in Logistics and Mixed-Use Zones, similar to the proposed code for hemp retail shops.
 2. Addition of a required condition enacting a minimum distance of 500 feet from residential zones, schools, religious institutions, daycares, all alcohol establishments, e.g., bar, winery, restaurant, micro-pub, and other kratom retail stores. For incidental uses in which 20% or less of the store display's gross square footage consists of kratom products, the minimum distance requirement does not apply.

3. Define “Kratom”, “Kratom Processor”, “Kratom Product”, “Kratom Retailer”, in alignment with the Texas Kratom Consumer Health and Safety Protection Act.

4. Data Centers

a. Land Use

- i. Existing Code: There is no category land use for data centers or similar uses that would permit or prohibit a data center, and, based on Section 4.9(2), the City Manager must make the determination. Municipalities across Texas are implementing local zoning and land-use regulations to establish appropriate development standards and oversight mechanisms for data center uses.
- ii. Recommendation: Texas communities have expressed concerns about the substantial energy consumption, water use, environmental impacts, and potential strain on public infrastructure associated with these facilities. Furthermore, the adoption of Texas Senate Bill 6 in June 2025 demonstrates the continued expansion of data centers throughout the State of Texas.
 1. Permit a data center through a Special Use Permit (SUP) application in the Logistics Zone District, which requires a discretionary hearing by the City Council for final action. The SUP standards will be available on file.
 2. Define “Data Center” to encompass the various types and scales of data center facilities.

5. Religious Institutions

a. Land Use

- i. Existing Code: Permitted in all zone districts.
- ii. Recommendation: With legal feedback, align “Religious Institutions” with similar land use categories of schools and community/civic facilities, which are allowed within the Community Facilities and Logistics Zone Districts. All existing churches are located within the Community Facilities Zone, so no impacts from this change are expected.

6. Manufactured Homes (new)

a. Land Use

- i. Existing Code: Conditionally Permitted in the Logistics Zone only.
- ii. Recommendation: Align with Senate Bill 785 requiring municipalities to allow by-right (“P”) in at least one residential zone and clarification of the deed exceptions. The proposed amendments include adding “P” to Rural Residential and clarifying the definition to include the deed restriction exceptions. Permitted by-right in the rural residential district establishes a land-use framework in which manufactured homes may be accommodated consistent with the intended rural development pattern.

7. Political Signs

a. Public Property used as a Poll Site

- i. Existing Code: Limit of three political signs per candidate on public property used as a polling location (currently, City Campus) during the voting period, a maximum of one-foot diameter in poles/stakes and 36 square feet per sign, and signs must be removed three business days after the conclusion of voting.
- ii. Recommendation:
 1. Clarify to state three political signs per candidate or measure
 2. Limit poles and stakes to one-inch in diameter or equivalent, and reduce the sign size limit to four square feet.
 3. Establish political signs may be placed no earlier than the day before the voting period and must be removed the day after the voting period.
 4. Define a political sign and a canopy or tent used for electioneering purposes.

On August 13, 2026, the Planning and Zoning Commission held a public hearing and recommended approval of the proposed UDC amendments. Additionally, the Commission requested the City Council consider including the following:

1. Establishing a Minimum Size and Continuous Skirting for Manufactured Housing

- a. Existing Code: Manufactured homes are regulated by the U.S. Department of Housing and Urban Development (HUD), which does not have a minimum size of the home or continuous skirting requirement for manufactured homes.
- b. Staff Recommendation: With Council's direction, staff will review possible policies with the City Attorney's Office for compliance with federal and state law.

2. Prohibit Political Illuminated Signs on Public Property used as a Poll Site

- a. Existing Code: UDC Sign Chapter 10 prohibits illuminated lights that are detached from the sign or part thereof, unless the light is a result of a lighting plan.
- b. Staff Recommendation: No change as the UDC Chapter 10, Section 10.6 and 10.10 prohibits illuminated lights that are detached from the sign or part thereof, unless the light is a result of a lighting plan.

For reference, the proposed UDC amendments are included in **Attachment A**. The code amendments are shown in red text, relocations or administrative changes are in blue text, and black text demonstrates no change.

PUBLIC HEARING:

A notice of the public hearing was published in the Boerne Star newspaper on July 26, 2026, and posted on the City's website on July 24, 2026. The sequence for conducting the public hearing is shown on the meeting agenda.

NEXT STEPS:

The City Council will consider the first reading of an ordinance amending the UDC later in the agenda. The second reading and adoption is anticipated to occur on September 17, 2026.

ATTACHMENT A

Land Use Categories and Political Signage UDC Amendments

Section 4.9 Permitted Uses

(1) Use Table

The following table (Table 4.2) reflects the uses permitted within each zoning district. An applicant may appeal the decision of the City Manager by presenting their case to the Zoning Board of Adjustment.

- a. A Use Permitted by right (P) is subject to all other applicable regulations of this UDC.
- b. Some uses require supplemental regulations in addition to the other applicable regulations of this UDC. Uses indicated by (P/C) are permitted by right and **approval by the City Council is not required**, provided that it meets the *conditional* use standards found in Section 4.9, as well as the other applicable regulations of this UDC.
- c. A Special Use Permit (S) is allowed **only if approved by City Council** in accordance with the standards found in Section 3.7.
- d. Not Permitted (NP)

(2) Unlisted Uses

For uses not listed, the City Manager (or designee) shall make a determination based on their interpretation of the intent and spirit of this ordinance and the Fair Oaks Ranch Comprehensive Plan. For uses not listed or new uses, the City Manager (or designee) shall use the descriptions found in Appendix B: Definitions to determine how an unlisted use should be treated.

Table 4.2: Use Table

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space ¹	Parking
Residential									
Manufactured Housing	NP	NP	NP	P/C	NP	NP	NP P	NP	2 spaces per each dwelling unit
Commercial									
Retail Sale of Hemp (CBD/THC/cannabis)	P/C	NP	NP	P/C	NP	NP	NP	NP	1 space per 300 sf of usable building area
Retail Sale of Kratom Products by a Retailer	P/C	NP	NP	P/C	NP	NP	NP	NP	1 space per 300 sf of usable building area

ATTACHMENT A

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space ¹	Parking
Miscellaneous									
Religious Institution	P NP	P—NP	P	P	P NP	P NP	P-NP	P-NP	1 space every 2.5 people on site at one time
Industrial									
Data Center	NP	NP	NP	S	NP	NP	NP	NP	To be determined by the City Manager or designee based on use and location

Section 4.10 Conditional Uses

(17) Retail sale of hemp (CBD/THC/cannabis)

Hemp sales shall abide by all state law provisions and be permitted in accordance with Table 4.2 and subject to the following standards:

- a. Consumable hemp products for the purpose of sale of packaged hemp-derived products (such as CBD foods, beverages, or other consumables) to the public by a licensed business. These products must meet specific legal definitions and regulatory requirements under the Texas Health and Safety Code (HSC) Chapter 443, the Texas Administrative Code (TAC) Chapter 300, and the Texas Agriculture Code Section 121.001.
- b. Shall not be located within a radius of 500 feet from the following land uses: another hemp or kratom retail business, religious institutions, school, day care facility, any alcohol retailer or establishment, pawnshop, or residential. This subsection does not apply to incidental uses where 20% or less of the gross square footage of the store displays hemp products.

(18) Retail Sale of Kratom

Kratom sales shall abide by all state law provisions and be permitted in accordance with Table 4.2 and subject to the following standards:

- a. Meets Texas Kratom Consumer Health and Safety Protection Act, including:
 - i. Product testing documentation
 - ii. Age verification systems
 - iii. Clear ingredient labeling
 - iv. Warning label requirements
- b. Shall not be located within a radius of 500 feet from the following land uses: another kratom or hemp retail business, religious institutions, school, day care facility, any alcohol retailer or establishment, pawnshop, or residential. This section does not apply to incidental uses where 20% or less of the gross square footage of the store displays kratom products.

ATTACHMENT A

Section 10.9 Political Signs on Public Property

(1) Purpose

The purpose of this Section is to provide reasonable regulations for political signs on the premises of public property when used as an election polling place. These regulations are intended to mitigate safety concerns, prevent damage to public property, and ensure that such property is sufficiently available for patrons who use the facilities other than for election purposes.

(2) Permits

No permit will be required under this Section for on-premises political signs. Any political sign listed in this Section will be erected and maintained in a safe condition in conformance with all other requirements of this Chapter.

(3) Regulations and Exceptions

a. The following regulations apply:

- I. ~~Election-Political~~ Signs. All election-political signs must comply with State law Sec. 259.003 of Chapter 259, Title 15 Texas Election Code 259.003 and City regulations.
- II. ~~Place no~~ No electioneering-political sign or literature shall be placed within ten (10) feet of the public roadway adjacent to the public property where a polling location is located.
- III. ~~Place no~~ No electioneering-political sign shall on the premises that exceeds thirty-six (36) four (4) square feet and is more than or eight (8) feet in height, including any supporting poles or stakes, or to utilize nor shall any stake exceed more than 18 inches long in length or 1 foot 1-inch in diameter, cross-sectional, side view, or equivalent. Stakes may not be buried to a depth greater than ten (10) inches; and
- IV. ~~A limit maximum~~ of three (3) political signs including canopy or tent per candidate or measure will shall be allowed-permitted at the polling locationsite. The City Secretary will maintain a diagram designating areas for electioneering, the placement of political signs, and identifying restricted areas to assist with compliance; however, electioneering boundaries shall be enforced in accordance with the Texas Election Code. prohibited areas pursuant to Election code SS61.003, as amended.
- V. A political sign is defined in accordance with Chapter 13 of this UDC and includes banner, staked, freestanding, portable, and vehicular or trailer signs when the primary purpose of the vehicle or trailer is to display signage at the polling location. However, this definition does not include handheld signs, signs affixed to clothing, or signs displayed on vehicles in active use for transportation purposes. A canopy or tent containing political messaging shall be considered a single political sign regardless of the number of display surfaces and shall not exceed 10 by 10 square feet. Only one canopy or tent per candidate or measure is permitted on a daily first come, first serve basis in designated areas.

b. Removal and Disposal

- I. In addition to imposing any criminal penalty, the City Manager may, without notice, remove and dispose of electioneering political sign(s) located in violation of this section.
- II. Political signs may be placed on public property no earlier than the day before the voting period.
- III. All political signs located on public property shall be removed no later than three (3) the day business days after the conclusion of voting, unless State law prohibits the removal of signs after the time period. Any non-compliant signs remaining after three business days will be

ATTACHMENT A

removed by the City and held ~~until the~~ seventh (7) days after the conclusion of voting and will be disposed of after the seventh day.

Section 13.2 Words and Terms Defined.

For the purpose of this UDC, certain terms and words herein will be defined as follows:

Data Center. To include all types of data centers such as Enterprise Data Center (On-site), Colocation Data Center (Multi-tenant), Hyperscale Data Center/Other Large-load Customers (Cloud / Massive Scale), Edge Data Center (Small / Distributed), Modular / Containerized Data Center. If a facility is labeled differently (e.g., a cloud computing hub, AI training center, or colocation site), if it draws 75 MW or more from Electric Reliability Council of Texas grid, it shall meet Texas Senate Bill 6.

Hemp. Meets Texas Agriculture Code Section 121.001 definition of hemp, including the plant Cannabis sativa L., its seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, provided the delta-9 tetrahydrocannabinol (THC) concentration does not exceed 0.3% on a dry weight basis.

Kratom. Any part of the leaf of the plant Mitragyna speciosa, as regulated by the Texas Kratom Consumer Health and Safety Protection Act (Senate Bill 497, effective September 1, 2023).

Kratom Processor — a person who manufactures, prepares, distributes, maintains, advertises, represents, or packages kratom products for sale.

Kratom Product — a food (including extracts, capsules, or pills) containing any form of kratom.

Kratom Retailer — a kratom processor who sells kratom products to consumers or advertises as doing so.

Manufactured Home. A HUD-code manufactured home, which is HUD certified and built after June 15, 1976, as defined by the Texas Occupations Code. A structure transportable in one or more sections, which is built on a permanent chassis and is designed as a dwelling with or without a permanent foundation when connected to the required utilities. As of Sept. 1, 2017, that was: a structure constructed on or after June 15, 1976 or a mobile home. “Mobile home” means a structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term does not include a recreational as defined by the State of Texas.

“Mobile home”. ~~means a~~ A structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term does not include a recreational vehicle as defined by the State of Texas.

Voting Period. ~~The period each day the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later~~ timeframe beginning with the first day of early

ATTACHMENT A

~~voting as established by state law and ending at the close of polls on Election Day. Early voting is as defined in Section 85.001 of the Texas Election Code (TEC).~~

Outdoor Lighting UDC Amendments

Section 6.4 General Standards

(9) Auxiliary Building and Site Standards

d. Outdoor Lighting:

- i. ~~Covered porch lighting on residences is permitted provided that each external light fixture does not exceed 2220 lumens.~~
- ii. ~~Security lights of any output that are controlled by a motion sensor switch are permitted provided they do not remain illuminated longer than ten (10) minutes after activation.~~
- iii. ~~i. Outdoor lighting must comply with the City's Outdoor Dark Sky Lighting Ordinance Article 3.15 requirements.~~

Section 6.8 Outdoor Lighting

Outdoor lighting must comply with the City's Outdoor Dark Sky Lighting Ordinance Article 3.15 requirements.

(1) Purpose and Intent

~~The purpose of this Section is to regulate outdoor lighting in order to reduce or prevent light pollution in the City. All regulations in this section are in addition to the City's Dark Sky requirements. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces privacy, degrades the enjoyment of the night sky, and results in higher energy use and increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents and will help preserve the historic and rural character of the City in keeping with the desired objectives of the Comprehensive Plan.~~

(2) Applicability

- a. ~~Binding Regulations. The regulations contained in this Section are binding only within the City limits of Fair Oaks Ranch. All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the City limits will be required to comply with this Code. This Code does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this Code if it is determined by the City Manager that it creates a nuisance, or a safety hazard as defined in the References Section of this Code.~~
- b. ~~Compliance. Compliance with the regulations in this Section is strongly encouraged for improvements and developments within the ETJ in order to prevent light pollution and preserve the rural and historic character of the City. Compliance with these requirements will be administered by the City Manager or his or her designee.~~
- c. ~~Existing and Replacements. All outdoor lighting fixtures existing and legally installed and operating before the effective date of this Code will be exempt from this Code unless they are determined to create a safety hazard. When an existing lighting fixture(s) become inoperable, their replacements are subject to the provisions of this Code.~~
- d. ~~Modifications. Modifications to nonconforming lighting fixtures must also comply with this Chapter.~~

(3) Exemptions

The following are exempt from the provisions of this Code:

- a. Publicly maintained traffic control devices;
- b. Street lights installed prior to the effective date of this Code (until replaced as noted in Section 7.8(2)c.);
- c. Temporary emergency lighting, e.g., for fire, police, repair crews, etc.;
- d. Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right of way;
- e. Moving vehicle lights;
- f. Navigation lights, e.g., aircraft warning beacons on water storage reservoirs and wireless transmission facilities, required by State or Federal law;
- g. Seasonal decorations with lights in place no longer than sixty (60) days;
- h. Sports field lighting, until 10:00 P.M.;
- i. Other temporary uses approved by the City Council, e.g., festivals, carnivals, fairs, night-time construction, etc.;
- j. Covered porch lighting on residences, provided that each external light fixture does not exceed 2220 lumens; and
- k. Security lights of any output that are controlled by a motion sensor switch, provided they do not exceed 0.25 foot-candles at the property line and do not remain illuminated for a duration not to exceed ten (10) minutes after activation.

(4) Submittals

Applications for all building permits other than single-family and duplex residential, or site development permits, including the installation of outdoor lighting fixtures for new construction, will provide proof of compliance with this Code. The submittal will contain the following information as part of the site plan:

- a. Plans. Plans indicating the location, type, and height of lighting fixtures, including both building-mounted and ground-mounted fixtures, and details illustrating the foot-candle power measured throughout the site;
- b. Description of the Lighting Fixtures. A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
- c. Photometric Data. Photometric data, which may be furnished by the manufacturer, showing the angle of light emission;
- d. Additional information. Additional information may be required by the Planning and Zoning Commission in order to determine compliance with this Code.

(5) General Lighting Standards

The following standards will apply to all outdoor lighting installed after the effective date of this Code:

- a. Minimum Lighting Necessary. Outdoor lighting will be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights of way.
- b. Hooded. Outdoor lighting must be hooded, shielded, and/or aimed downward. The hood

ATTACHMENT A

~~or shield must mask the direct horizontal surface of the light source. The light must be aimed so as to ensure that the illumination is only pointing downward onto the ground surface.~~

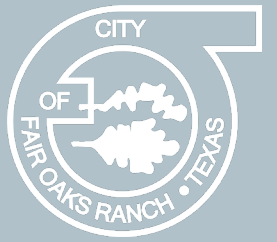
- ~~c. Light Trespass. Any bright light shining onto an adjacent property or streets that would~~
- ~~d. result in a safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane will be considered non-compliant. All outdoor lighting fixtures will be designed, located, and maintained to minimize light trespass, and all direct illumination will be kept within the boundaries of the property upon which the light fixture is positioned~~
- ~~e. Existing Fixtures. Existing fixtures may be adapted to comply with this Code by adding a properly designed hood or shield, or by redirecting any upward-mounted fixture downward onto the ground surface, sign, or illuminated structure.~~
- ~~f. Accent Lighting. When approved, accent lighting will be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions will not be visible above the roofline or beyond the building edge.~~
- ~~g. Spotlights. Spotlights on landscaping and foliage will be limited to one hundred and fifty (150) watts output. The light will be shielded and so as not to create a nuisance or safety hazard.~~

~~(6) Specific Nonresidential Lighting Requirements~~

- ~~a. Maximum Allowable Intensity. The maximum allowable intensity of lighting for any nonresidential use will be 0.25 foot-candles measured at the property line adjacent to any residentially zoned area or at the street right-of-way line when the residentially zoned area is separated by a public street right-of-way.~~
- ~~b. Light Poles. Light poles will be placed on the site at a setback equal to their height from all adjacent residential property. Light poles will have a maximum height equal to the maximum height allowed for the main building in each zoning district.~~

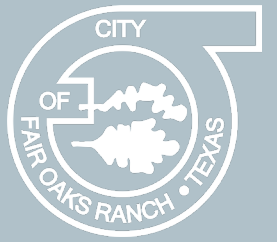
City Council Public Hearing

Proposed Unified Development Code (UDC) Amendments



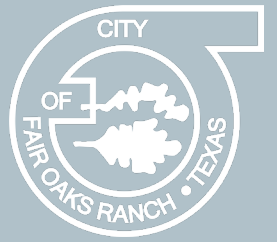
September 3, 2026

Jessica Relucio, ENV SP, City Planner



Agenda

- History
- Regulatory Process
- Proposed UDC Amendments
 - Outdoor Lighting
 - Retail Sale of Hemp
 - Retail Sale of Kratom
 - Data Center
 - Religious Institution
 - Manufactured Homes (new)
 - Political Signage on Public Property
- Next Steps



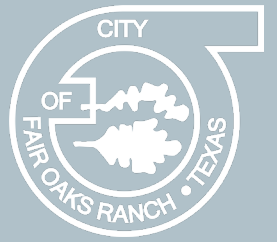
History

- Community Feedback and Staff Review of Codes
- April 2, 2026 – City Council Workshop on Outdoor Lighting
- June 4, 2026 – City Council Workshop on UDC Amendments
- July 9, 2026 – Planning and Zoning Commission Workshop on UDC Amendments
- August 13, 2026 – Planning and Zoning Commission Public Hearing and Consideration on UDC Amendments



Regulatory Process

- UDC Amendments
- Texas Local Government Code 211.006 - Zone Changes
- UDC Section 3.6 Public Hearings
 - Planning & Zoning Commission Public Hearing
 - City Council Public Hearing
- Public Notices
 - Website July 24
 - Newspaper July 26
 - Legal Nonconforming Letter to property and business owners July 31



Outdoor Lighting – Admin. & Dark Sky

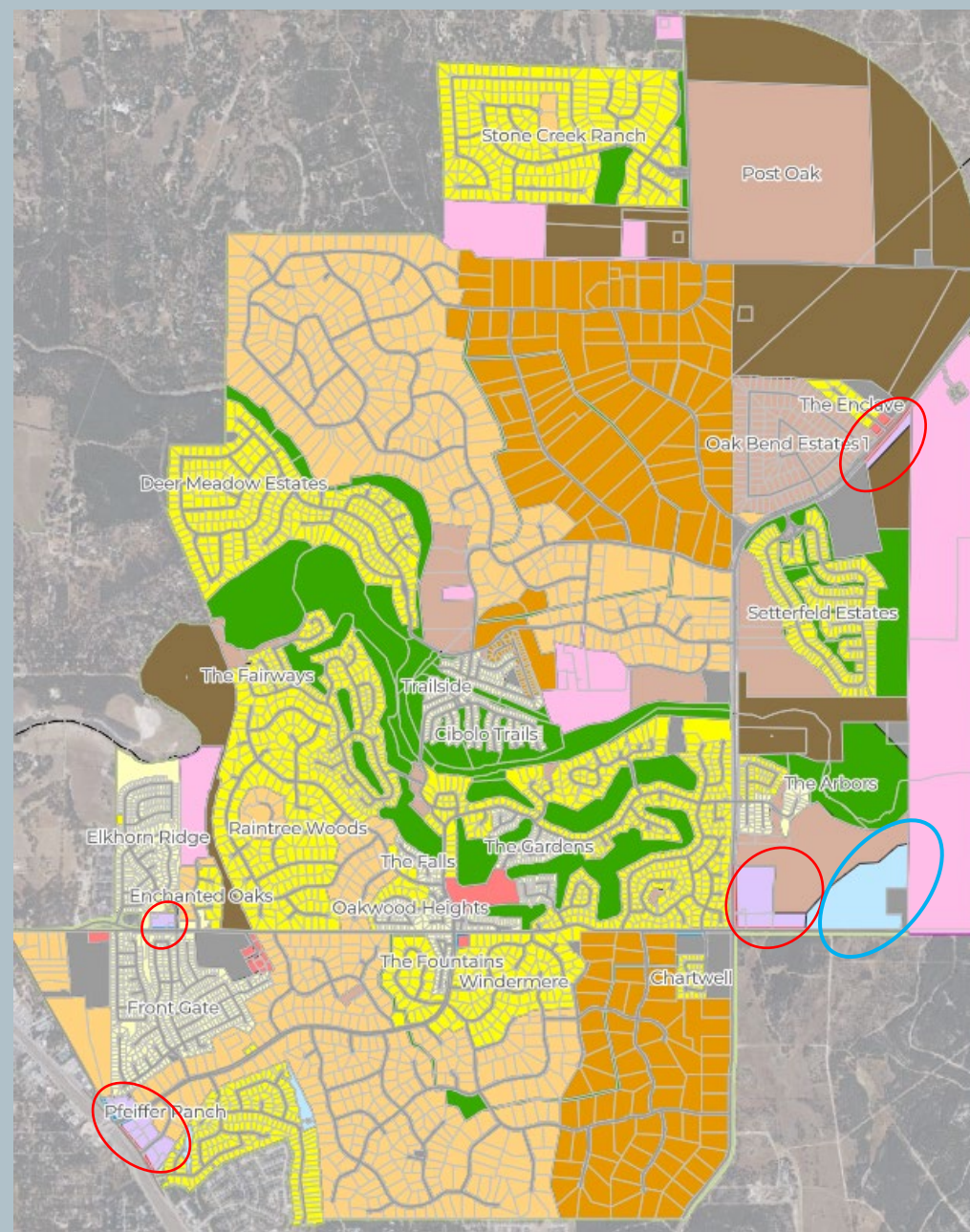
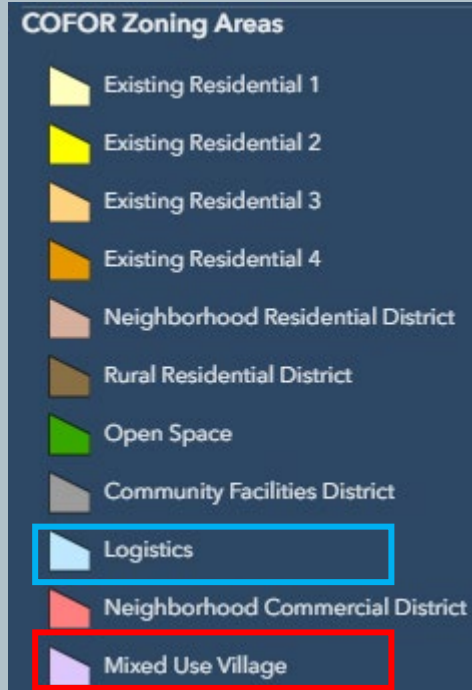
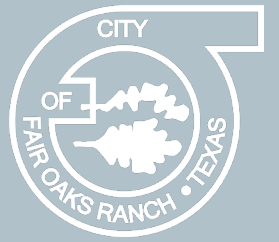
A. Administrative

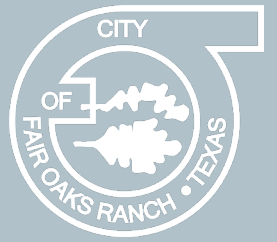
- i. Existing: Duplicate code sections in the UDC and Ordinance
- ii. Recommendation: Merge the UDC with the Ordinance
 - 1) Recreational lighting to cease at 10 p.m.
 - 2) Motion-sensored lights illuminate for five minutes at a time

B. Dark Sky Community

- i. Recommendation:
 - 1) Complete proposed amendment first
 - 2) Pursue the International Dark Sky Community recognition
 - 3) Research grant opportunities

Zoning Map





Retail Sale of Hemp – Land Use

Land Use Category

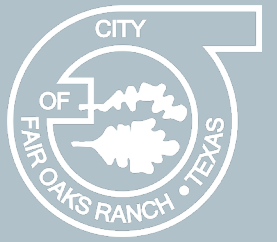
- i. Existing: Allowed by Retail Sales Land Use
- ii. Recommendation:
 - 1) Permit conditionally in Logistics and Mixed-Use Zones
 - 2) 500 feet from residential zones, schools, religious institutions, daycares, all alcohol establishments, and other hemp retailers
 - 3) Except incidental use - 20% or less of the gross square footage of the store display
 - 4) “Hemp” Defined



Retail Sale of Kratom – Land Use

Land Use Category

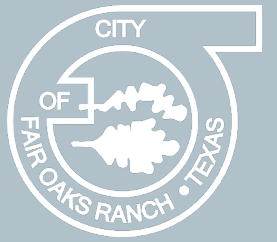
- i. Existing: No city regulation, and can regulate
- ii. Recommendation:
 - 1) Permit conditionally in Logistics and Mixed-Use Zones
 - 2) 500 feet from residential zones, schools, religious institutions, daycares, all alcohol establishments, and other kratom retailers
 - 3) Except incidental use - 20% or less of the gross square footage of the store display
 - 4) “Kratom” defined



Data Center

Land Use Category

- i. Existing: Not directly addressed
- ii. Recommendation:
 - 1. Permit by Special Use Permit (SUP or S) in Logistics Zone
 - 2. Conditions: Separation, Screening, Noise, Chiller regulations, Generators, Vibration, Electricity, Water
 - 3. "Data Center" Defined



Religious Institution

- i. Existing: Permitted in all zones
- ii. Recommendation: Permit in Community Facilities and Logistics Zones, aligning with existing church locations, schools, and community facilities

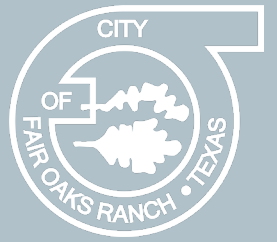


Manufactured Homes (new)

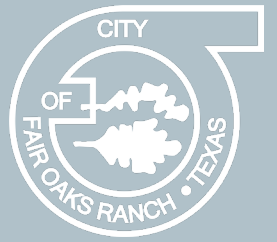
SB 785, effective September 1, 2026, requires cities with zoning to permit HUD-code manufactured homes by right in at least one residential district and clarifies deed restriction exceptions

- i. Existing: Conditionally Permitted in Logistics Zone only
- ii. Recommendation: Add permitted by-right ("P") in Rural Residential and clarify the definition to include the deed restriction exceptions, per SB 785
- iii. P&Z Request to Consider: Minimum size and continuous skirting

Political Signage - Public Property used as a Poll Site

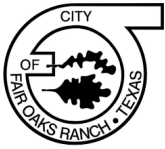


- i. Existing: Broad use of three signs per candidate during the voting period; remove three business days after voting; pole diameter of one-foot; maximum of 36 square feet per sign
- ii. Recommendation:
 - 1) Maximum of three signs per candidate or measure
 - 2) Place no earlier than the day before the voting period
 - 3) Remove the day after the voting period
 - 4) "Political Sign" defined, including tents/canopies
 - 5) Pole/Stake of one-inch diameter or equivalent
 - 6) Maximum of four square feet per sign
- iii. P&Z Request to Consider: Prohibiting lighting on political signs on public property during a poll site



Next Step

- The City Council will consider the first reading of an ordinance amending the UDC later in the agenda
- The second reading and adoption is anticipated to occur on September 17, 2026



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving the first reading of an ordinance amending the Code of Ordinances Chapter 3, Article 3.15 Outdoor Lighting, and the Unified Development Code Chapter 4, Section 4.9 Permitted Uses and Section 4.10 Conditional Uses; Chapter 6, Section 6.8 Outdoor Lighting; Chapter 10, Section 10.9 Political Signs on Public Property; and administrative changes

DATE: September 3, 2026

DEPARTMENT: Public Works & Engineering

PRESENTED BY: Jessica Relucio, ENV SP, City Planner

INTRODUCTION / BACKGROUND:

Section 3.6 of the Unified Development Code (UDC) and Section 211.006 of the Texas Local Government Code establish the procedures for amendments to the City's Code of Ordinances and UDC. For amendments to the Code of Ordinances, the City Council has sole authority to take final action. The Planning and Zoning Commission participated in workshops and provided feedback during the development of the proposed amendments. For amendments to the UDC, both the Planning and Zoning Commission and City Council are required to hold public hearings, with City Council having final approval authority.

The City's Unified Development Code (UDC) is a comprehensive set of regulations that govern land use, development, and building standards within the City. Periodically, it is necessary to update the UDC to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and reflect changes in state law. Similarly, the Code of Ordinances has the same impact on development and existing land uses.

Over the past several months, staff held three workshops with the City Council and the Planning & Zoning Commission to develop recommendations regarding proposed amendments. The proposed amendments update regulations on outdoor lighting, the use of hemp and kratom retail sales, data centers, religious institutions, and procedures for political signage on public property when used as a poll site. Additionally, staff recently became aware of Senate Bill 785 from the 2025 legislative session, which requires cities with zoning to allow HUD-code manufactured homes by right in at least one residential district. Staff developed proposed amendments to comply with the Bill, which goes into effect on September 1, 2026.

The proposed UDC amendments are summarized as follows:

1. **Outdoor Lighting:** Remove and consolidate duplicate code sections that are repetitive or conflict with the Code of Ordinances. The proposed code amendments include reaffirming that recreational lighting must cease at 10 p.m., rather than 11 p.m., and motion-sensored lights illuminate for five minutes at a time rather than 10 minutes.
2. **Retail Sale of Hemp:** Add the land use to conditionally permit it in the Logistics and Mixed-Use Zone Districts and prohibit the use within 500 feet from residential zones, schools, religious institutions, daycares, all alcohol establishments, e.g., bar, winery, restaurant, micro-pub, and other hemp retail stores. For incidental uses in which 20% or less of the store display's gross square footage consists of hemp products, the minimum distance requirement does not apply. If this amendment is supported, there is one existing hemp retail shop, which will be legal nonconforming due to the conditions not being met, and a notice of nonconforming letter has been provided to the location of business 10 days prior to the public hearing, per the Local Government Code Section 211.007 and UDC Section 4.14.
3. **Retail Sale of Kratom:** Add the land use to conditionally permit it in the Logistics and Mixed-Use Zone Districts and prohibit the use within 500 feet from residential zones, schools, religious institutions, daycares, all alcohol establishments, e.g., bar, winery, restaurant, micro-pub, and other kratom retail stores. For incidental uses in which 20% or less of the store display's gross square footage consists of hemp products, the minimum distance requirement does not apply.
4. **Data Centers:** Permit a data center through a Special Use Permit (SUP) application in the Logistics Zone District.
5. **Religious Institutions:** Align with similar land use categories for schools and community/civic facilities, and permit in the Community Facilities and Logistics Zone Districts. All existing churches are located within the Community Facilities Zone, so no impacts from this change are expected.
6. **Manufactured Homes (new):** Align with Senate Bill 785 requiring municipalities to allow by-right ("P") in at least one residential zone and clarification of the deed exceptions. The proposed amendments include adding "P" to Rural Residential and clarifying the definition to include the deed restriction exceptions. Permitted by-right in the rural residential district establishes a land-use framework in which manufactured homes may be accommodated and consistent with the intended rural development pattern.
7. **Political Signs on Public Property used as a Poll Site:** Include three political signs per measure, clarify how poles and stakes are the same, with a limit of one-inch in diameter or equivalent, and reduce the sign size limit to four square feet. Establishes that political signs may be placed no earlier than the day before the voting period and removed the day after the voting period.

On August 13, 2026, the Planning and Zoning Commission held a public hearing and recommended approval of the proposed UDC amendments. Additionally, the Commission requested that the City Council consider including the following:

1. **Establishing a Minimum Size and Continuous Skirting for Manufactured Housing**
 - a. **Existing Code:** Manufactured homes are regulated by the U.S. Department of

Housing and Urban Development (HUD), which does not have a minimum size or continuous skirting requirement for manufactured homes.

- b. Staff Recommendation: With Council's direction, staff will review possible policies with the City Attorney's Office for compliance with federal and state law.

2. Prohibit Political Illuminated Signs on Public Property used as a Poll Site

- a. Existing Code: UDC Sign Chapter 10 prohibits illuminated lights that are detached from the sign or part thereof, unless the light is a result of a lighting plan.
- b. Staff Recommendation: No change as UDC Chapter 10, Sections 10.6 and 10.10 address the prohibition of illuminated lights.

For reference, the proposed amendments are enclosed in the Ordinance; **Exhibit A** contains the Code of Ordinances amendments, and **Exhibit B** contains the UDC amendments. Proposed code amendments shown with an underline are new text, and amendments shown as a strikethrough are removed text.

POLICY ANALYSIS / BENEFIT(S) TO CITIZENS:

- Supports Goal 2.2 of the Strategic Plan to ensure growth is guided by long-range plans and the community's voice through disciplined, proactive planning and consistent policy adherence.
- Updates permitted land use to ensure alignment with the Comprehensive Plan and the goals of the community.
- Complies with established state and city processes and procedures for amending the city's Code of Ordinances and Unified Development Code.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form

RECOMMENDATION / PROPOSED MOTION:

I move to approve the first reading of an ordinance amending the Code of Ordinances Chapter 3, Article 3.15 Outdoor Lighting, and the Unified Development Code Chapter 4, Section 4.9 Permitted Uses and Section 4.10 Conditional Uses; Chapter 6, Section 6.8 Outdoor Lighting; Chapter 10, Section 10.9 Political Signs on Public Property; and administrative changes.

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.15 OUTDOOR LIGHTING, AND THE UNIFIED DEVELOPMENT CODE CHAPTER 4, SECTION 4.9 PERMITTED USES AND SECTION 4.10 CONDITIONAL USES; CHAPTER 6, SECTION 6.8 OUTDOOR LIGHTING; CHAPTER 10, SECTION 10.9 POLITICAL SIGNS ON PUBLIC PROPERTY; ADMINISTRATIVE CHANGES AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on January 15, 2009, the City Council adopted Ordinance 180 providing regulations for outdoor lighting in the Code of Ordinances; and

WHEREAS, on September 19, 2024, the City Council adopted Ordinance 2025-21 providing regulations for outdoor lighting, permitted land uses, conditional land uses, and political signs on public property in the Unified Development Code; and

WHEREAS, the 89th Texas Legislature adopted Senate Bill 785, which preempts certain municipal regulations relating to manufactured housing and requires local codes to be consistent with state law; and

WHEREAS, Senate Bill 785 requires municipalities to regulate manufactured homes in accordance with federal standards including the requirement of at least one residential zone be permitted by right; and

WHEREAS, staff conducted three workshops with the Planning and Zoning Commission workshop and City Council to develop recommendations regarding the proposed amendments; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on August 13, 2026, and recommended approval of the proposed amendments; and

WHEREAS, the City Council conducted a public hearing on August 20, 2026; and

WHEREAS, the City Council of the City of Fair Oaks Ranch finds it in the best interest of the City to update and consolidate outdoor lighting regulations into the Code of Ordinances to provide clear and consistent standards across the community; and

WHEREAS, the City Council of the City of Fair Oaks Ranch finds it in the best interest of the City to amend the Unified Development Code regarding land uses for retail sale of hemp, retail sale of kratom, data centers, religious institutions, and manufactured homes, and clarify political signage on public property used as a poll site.

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

Section 1. The City of Fair Oaks Ranch Code of Ordinances, Chapter 3 Building Regulations, Article 3.15 Outdoor Lighting is hereby amended as set forth in the attached **Exhibit A**. The Unified Development Code, Chapter 4 Zoning Districts and Use Regulations Section 4.9 Permitted Uses and Section 4.10 Conditional Uses; Chapter 6 Site

Development and Building Form Design Standards Section 6.4 General Standards and Section 6.8 Outdoor Lighting; Chapter 10 Signs Section 10.9 Political Signs on Public Property; and Chapter 13 Definitions Section 13.2 Words and Terms Defined is hereby amended as set forth in the attached **Exhibit B**.

- Section 2.** 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 3.** 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 4.** 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 5.** 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 6.** 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 7.** 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 8.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9.** 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 3rd day of September 2026.

PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 17th day of September 2026.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Amanda Valdez, TRMC
City Secretary

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

EXHIBIT A

CHAPTER 3

ARTICLE 3.15 OUTDOOR LIGHTING

Sec. 3.15.001 Title, Purpose, and Applicability

(a) The purpose of this article is:

- (1) To reduce or prevent light pollution in the City;
- (2) To position the city to apply for the Dark Sky Community certification;
- (3) To reduce excessive glare, light trespass, and energy use;
- (4) To improve nighttime visibility, which contributes to safer and more attractive outdoor living spaces;
- (5) To appropriately regulate the installation of outdoor lighting which will contribute to the safety and welfare of the residents and will help preserve the historic and rural character of the City in keeping with the desired objectives of the Comprehensive Plan.

(b) Applicability

- (1) Generally. All public and private outdoor lighting installed after the effective date of November 2009 in the Camp Bullis buffer zone shall be in conformance with the requirements established by this section.
- (2) Binding Regulations. The regulations contained in this Section are binding within the City limits of Fair Oaks Ranch. All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the City limits will be required to comply with this Code. This Code does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this Code if it is determined by the City Manager that it creates a nuisance, or a safety hazard as defined in the References Section of this Code.
- (3) Extraterritorial Jurisdiction (ETJ). Compliance with the regulations in this Section is required for improvements and developments within the ETJ in order to prevent light pollution and preserve the rural and historic character of the City. Compliance with these requirements will be administered by the City Manager (or designee).
- (4) Legal Nonconforming. All outdoor lighting fixtures existing and legally installed and operating before the effective date of this Code will be exempt from this Code unless they are determined to create a safety hazard. When an existing lighting fixture(s) becomes inoperable, their replacements are subject to the provisions of this Code. See Section 3.15.003.

Sec. 3.15.002~~1~~ Definitions

In this article, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accent light. Lighting used to emphasize or draw attention to a special object or building.

Adaptive controls. Mechanical or electronic devices actively regulating the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers, and motion-sensing switches.

Camp Bullis. U.S. Military training base in north Bexar County.

Camp Bullis Buffer Zone. An area that extends three (3) miles in all directions from the Camp Bullis boundaries including all of the City and its extraterritorial jurisdiction. ~~(Exhibit 1)~~

EXHIBIT A

Direct light. Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminary.

Exempted luminaries. Luminaries that were existing, in place, and operational prior to the effective date of this article.

Floodlight. A light fixture having a wide beam.

Footcandle (FC). A unit of light measurement equal to one lumen per square foot.

Full cutoff (FCO). Describes a luminaire light distribution where 100 candela per 1,000 lamp lumens (ten percent) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1,000 lamp lumens (zero percent) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded.

Fully shielded. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. A fully shielded fixture is not necessarily full cutoff.

Glare. A luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.

IESNA (or IES). An acronym for the Illuminating Engineering Society of North America. The IESNA makes recommendations for outdoor lighting, but does not set outdoor lighting community standards, which are set through local ordinances.

Illuminance. The quantity of light arriving at the surface measured in lux or footcandles.

Intermittent lighting. Luminaries that do not remain on for an extended period of time.

Light pole. Vertical structure designed to support outdoor lighting fixtures, primarily used to illuminate streets, parking areas, parks, and pedestrian pathways.

Light trespass. Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eye, or upwards toward the sky. If the light appears star-like from another property or the public right roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties, but the light source itself should not be visible from other properties. See the illustration below as an educational illustration about light trespass.

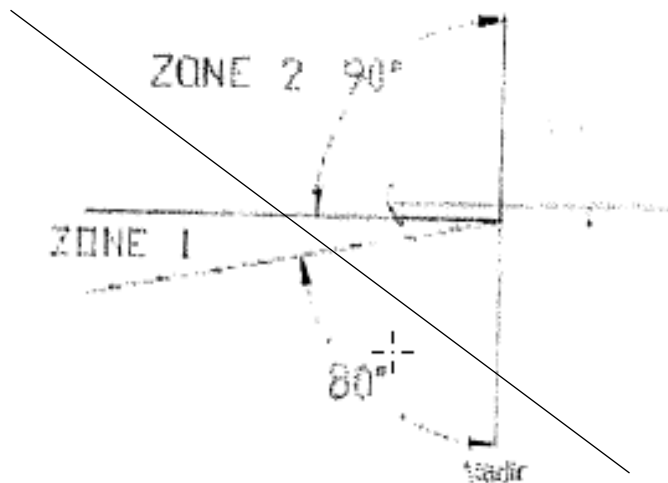
EXHIBIT A



Lumen. A unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Luminary. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Nadir. The direction pointing vertically down from the lowest light emitting part of the luminaire:



Outdoor lighting. Nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.

Outdoor recreational facilities. Any outdoor area, site, or structure designed, constructed, or regularly used for recreational, athletic, or leisure activities, whether publicly or privately owned, that requires or utilizes outdoor lighting. This includes, but is not limited to, sports fields, stadiums, ballfields, tennis courts, pickleball courts,

EXHIBIT A

playgrounds, parks, golf courses, driving ranges, swimming pools, skate parks, and similar facilities where organized or informal recreation occurs.

Security lights. See the definition of “Adaptive controls”.

Spotlight. A light fixture having a narrow beam.

Temporary outdoor lighting. Lighting for a specific unusual purpose of an outside area or object by any manmade device that produces light for a period of less than seven (7) days, with at least 30 days passing before being used again.

Trespass lighting. Light emitted by a luminary which falls outside the boundaries of the property on which the luminary is sited.

Sec. 3.15.0032 Lighting Requirements

(a) Generally. All public and private outdoor lighting installed after the effective date of this article in the Camp Bullis buffer zone shall be in conformance with the requirements established by this section.

(a) General. The following standards will apply to all outdoor lighting:

- (1) Minimum Lighting Necessary. Outdoor lighting will be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare on adjacent properties and public street rights of way.
- (2) Adjacent to Residential. In properties adjacent to residentially zoned areas or a residential property, the maximum allowable intensity of lighting for any nonresidential use will be 0.25 foot-candles measured at the property line adjacent to any residentially zoned area or at the street right-of-way line when the residentially zoned area is separated by a public street right-of-way.
- (3) Light Poles. Light poles will be placed on the site at a setback equal to their height from all adjacent residential property. Light poles will have a maximum height equal to the maximum height allowed for the main building in each zoning district.
- (4) Adaptive controls/security lights. Lights of any output that are controlled by a motion sensor switch, provided they do not exceed 0.25 foot-candles at the property line and do not remain illuminated for a duration not to exceed five (5) minutes after activation.
- (5) Fully shielded or Hooded. Outdoor lighting must be hooded, shielded, and/or aimed downward. The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed so to ensure that the illumination is only pointing downward onto the ground surface.
- (6) Light Trespass. Any bright light shining onto an adjacent property or streets that would result in a safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane will be considered non-compliant. All outdoor lighting fixtures will be designed, located, and maintained to minimize light trespass, and all direct illumination will be kept within the boundaries of the property upon which the light fixture is positioned.
- (7) Accent Lighting. When approved, accent lighting will be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions will not be visible above the roofline or beyond the building edge.
- (8) Spotlights. Spotlights on landscaping and foliage will be limited to one hundred and fifty (150) watts output. The light will be shielded and so as not to create a nuisance or safety hazard.
- (9) Control of glare. Any luminary that is aimed, directed, or focused so as to cause direct light from the luminary to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways is prohibited. Such luminary must be redirected or its light output controlled as necessary to eliminate such conditions.

EXHIBIT A

- (b) ~~Control of glare.~~ Any luminaire that is aimed, directed, or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways is prohibited. Such luminaire must be redirected or its light output controlled as necessary to eliminate such conditions.

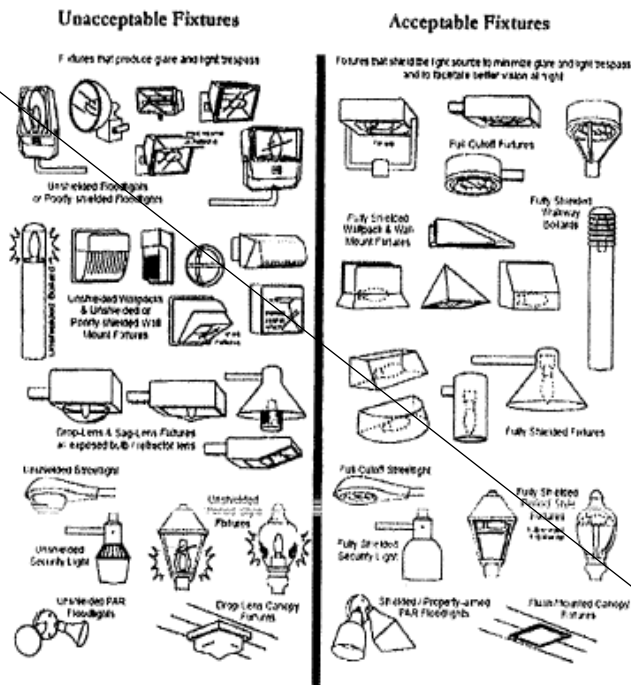
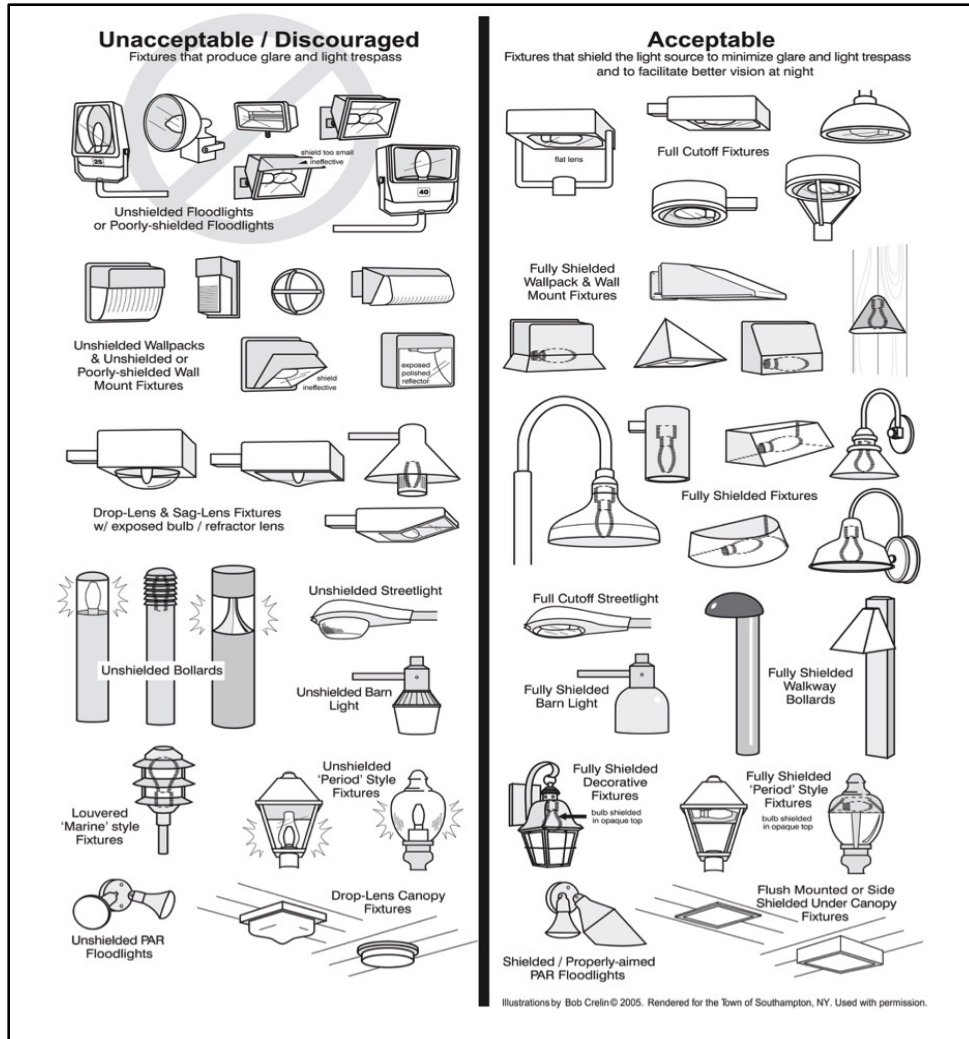


EXHIBIT A



(c) Residential lighting.

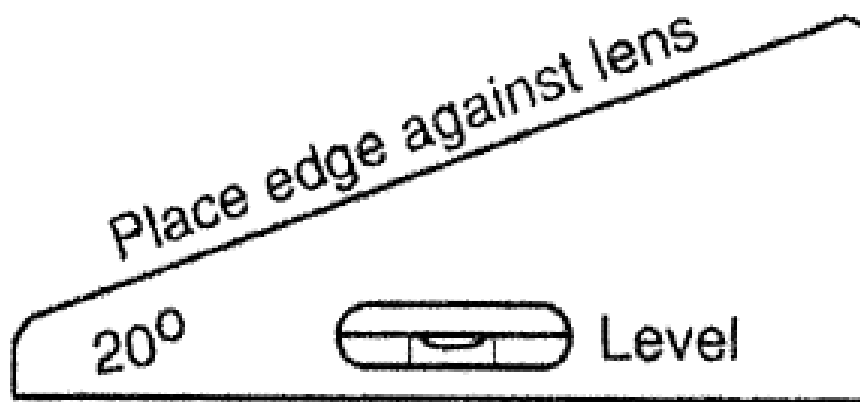
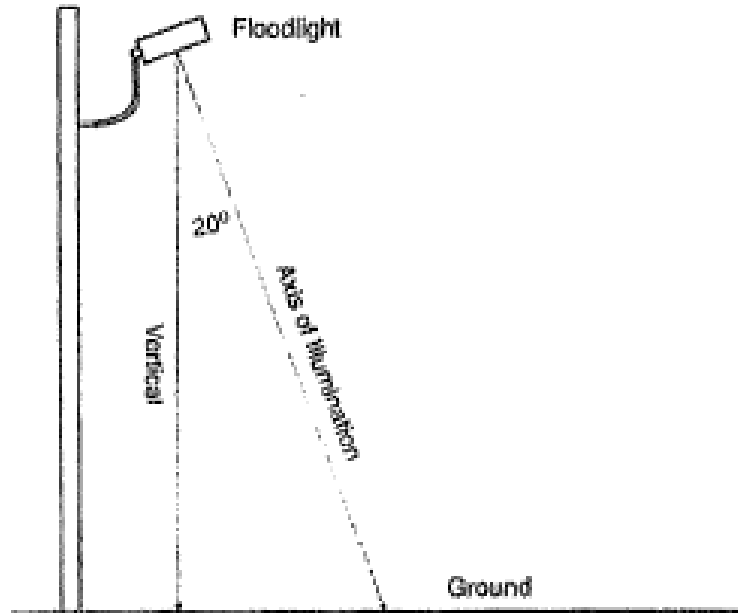
- (1) No residential trespass lighting may exceed one and one-half footcandles at the property line, with the exception of adaptive control or intermittent lighting.
- (2) Covered porch lighting on residences, provided that each external light fixture does not exceed 2220 lumens;
- (2) Intermittent lighting must be of the motion-sensor type that stays on for a period of time not to exceed five (5) minutes and has a sensitivity setting that allows the luminary to be activated only when motion is detected on the site.
- (3) It is highly recommended that all residential lighting also comply with subsections (d)(1)(AB)-(C), and (G) and (H) below.

(d) Commercial lighting.

- (1) Generally.
 - (A) No lighting installed on any commercial property may fit the unacceptable fixture designation.
 - (B) For lighting horizontal tasks such as roadways, sidewalks, entrances and parking area, fixtures must meet full cutoff criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).

EXHIBIT A

- (C) NEMA-head fixtures, a.k.a. barn lights or dusk-to-dawn lights, shall not be permitted on any commercial property unless fitted with a reflector to render them full cutoff.
- (D) Park style or period style fixtures shall not be permitted on any commercial property unless fitted with a reflector to render them full cutoff.
- (E) Wallpack fixtures shall not be permitted on any commercial property unless fitted with a reflector to render them full cutoff.
- (F) All trespass lighting shall not exceed two and one-half footcandles measured at the property line.
- (G) Floodlight fixtures must be aimed so as to prevent direct radiation of light into the open sky at any angle above the horizontal plane as shown and verified:



- (H) All outdoor lighting on commercial property shall be full cutoff.
- (2) Service stations and other outdoor facilities:
 - (A) Outdoor sales and service stations canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.

EXHIBIT A

(B) The following average maintained illuminance levels for service stations must not be exceeded:

<u>Service Station Component</u>	<u>Lighting Level</u>
Approach	2.0 fc
Driveway	2.0 fc
Pump island	10.0 fc
Building facade	3.0 fc
Service areas	3.0 fc
Landscape highlights	2.0 fc

- (e) Parking lot lighting. All parking lot lighting must be full cutoff shielding and minimum illuminance levels. The recommended construction material for parking lots within the Camp Bullis buffer zone is bituminous concrete, better known as asphalt, to minimize reflected light from the lot surface.
- (f) Outdoor advertising signs.
- (1) Lighting fixtures used to illuminate an outdoor advertising sign must conform to the requirements specified in this section.
 - (2) Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred.
 - (3) Internally illuminated panel signs with translucent letters and symbols on an opaque background have no operational time restrictions but should be strongly considered as unnecessary lighting. Internally illuminated panel signs with dark letters and symbols on a white background fall under the category of unnecessary lighting.
 - (4) Examples of necessary outdoor lighting include lighting associated with flag display, safety, and security.
 - (5) After closing hours, businesses must reduce outdoor lighting between the hours of 11:00 p.m. and sunrise by turning off any unnecessary lights. Any business that is open 24 hours a day must comply with the lighting levels set out in this article at all times when it is open for business.
- (g) Local street lighting.
- (1) Local streetlight illumination must follow the guidelines in subsection (3) below unless a licensed professional engineer trained and experienced in the science of illumination engineering deems other illumination levels more appropriate for existing conditions.
 - (2) All standard streetlights must utilize full cutoff optics (FCO) type luminaires that are installed level to the ground in two (2) intersecting perpendicular planes and should be horizontally level in all directions.
 - (3) New ornamental streetlights must be classified as either IES full cutoff or IES cutoff as determined by a valid photometric report. This report must be generated for the specified model by a qualified testing lab (testing to IES standards) and must include a full vertical evaluation up through 180 degrees, otherwise that fixture will be unacceptable.
- (h) Public roadway illumination. To the extent allowed by federal and state law, this section limits luminaries used for public-roadway illumination to a maximum height of 25 feet, the location of which may be positioned at that height up to the edge of any bordering property.
- (i) Tower and structure lighting. Unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA), towers or other structures requiring obstructed lighting at night must be of the minimum luminous intensity oscillating red in color.

EXHIBIT A

- (j) Other prohibited lighting. Unless authorized by City Council for a special event:
- (1) The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal is prohibited; and
 - (2) The operation of searchlights for advertising purposes is prohibited.

Sec. 3.15.0043 Exemptions

- (a) The following types of outdoor lighting are exempt from the requirements of section 3.15.002:
- (1) General. Emergency or Meteorology Use, Unplatted, or Agricultural Use, Outdoor Recreational Facility, Traffic Lights, and Seasonal Decorations.
- ~~(1)~~ All outdoor lighting in place prior to the effective date of this article;
- ~~(2)~~ (A) Temporary lighting as needed by police, emergency medical technicians, and fire personnel, or for meteorological data gathering purposes; and
- ~~(3)~~ (B) Outdoor lighting that is owned or maintained for the purpose of illuminating:
- ~~(A)~~ (i) A tract of land that is maintained as a single-family residence and that is located outside the boundaries of a platted subdivision;
- ~~(B)~~ (ii) A tract of land maintained for agricultural use;
- ~~(C)~~ (iii) An activity that takes place on a tract of land maintained for agricultural use; or
- ~~(D)~~ (iv) Structures or related improvements located on a tract of land maintained for agricultural use.
- (C) Publicly maintained traffic control devices;
- (D) Street lights installed prior to the effective date of November 2009 (until replaced as noted in this chapter)
- (E) Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right of way;
- (F) Moving vehicle lights;
- (G) Navigation lights, e.g., aircraft warning beacons on water storage reservoirs and wireless transmission facilities, required by State or Federal law;
- (H) Seasonal decorations with lights in place no longer than sixty (60) days;
- ~~(b)~~ (2) Usage of luminaires that do not conform with section 3.15.002.
- ~~(1)~~ (A) Outdoor recreational facilities. No outdoor recreational facility, in all zones, private and public, shall be illuminated by nonconforming means from 11 10:00 p.m. local time to sunrise except to conclude a specific recreational activity already in progress.
- ~~(2)~~ (B) Outdoor display lighting. Display lighting using nonconforming outdoor luminaires with metal halide bulbs must not be used for security lighting after 11 10:00 p.m. local time to sunrise (or after closing hours if before 11 10:00 p.m. local time to sunrise).
- ~~(c)~~ (3) Maintenance and repair of luminaires that do not conform with section 3.15.003.
- Voluntary compliance with the following maintenance, repair, modified an/or upgraded provisions of this article are expected of the citizens of the City in an effort to enhance the military operations at Camp Bullis:
- ~~(1)~~ (A) Except for lamp replacement, no luminaire should be repaired and/or modified to perpetuate its existence unless the repair and/or modification maintains conformance or makes the luminaire conforming to this article.

EXHIBIT A

(2)(B) If a lamp is available that makes a luminaire conform, or progress towards conformance with this article's required illuminance level, then such a lamp should be utilized when the lamp is replaced.

(3)(C) Spotlights and floodlights, with a total luminous flux greater than 1800 lumens, elevated above the ground on poles or buildings and used for area lighting should be adjusted so that their axis of illumination is at an angle not greater than 20 degrees measured from the vertical line between the fixture and the ground. This subsection applies only to spotlights and floodlights with adjustable mounts and does not apply to outdoor recreational facilities.

(D) Existing Fixtures. Existing fixtures may be adapted to comply with this Code by adding a properly designed hood or shield, or by redirecting any upward-mounted fixture downward onto the ground surface, sign, or illuminated structure.

(b) Temporary exemption. Any individual may submit a written request to the City Manager (or designee) ~~City Council~~ for a temporary exemption from the requirements of this article. The request for the exemption must contain the following information:

- (1) Proposed use and location of the outdoor light requested.
- (2) Type of lamp or lamps to be used, including manufacturer's part number and initial lumens.
- (3) Type of light fixture used, including manufacturer's model number and specification (cut) sheets indicating photometric distribution data stated in isofootcandle diagrams.
- (4) Starting and ending dates for temporary exemption.
- (5) Contact information including name of requester, address and telephone number.

(Ordinance 180 adopted 1/15/09)

Sec. 3.15.0054 Administration

(a) Submittals.

(1) Applications for all building permits other than single-family and duplex residential, or site development permits, including the installation of outdoor lighting fixtures for new development or redevelopment, will provide proof of compliance with this Code. The submittal will contain the following information as part of the site plan:

- (A) Plans. Plans indicating the location, type, and height of lighting fixtures, including both building-mounted and ground-mounted fixtures, and details illustrating the foot-candle power measured throughout the site;
- (B) Description of the Lighting Fixtures. A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
- (C) Photometric Data. Photometric data, which may be furnished by the manufacturer, showing the angle of light emission;
- (D) Additional information. Additional information may be required by the City Manager (or designee) in order to determine compliance with this Code.

~~(a)~~(b) Enforcement.

- (1) The City Manager (or his designee) shall administer the regulations adopted in this article. ~~(Ordinance 180 adopted 1/15/09; Ordinance 2019-09, Exhibit A(F), adopted 8/1/19)~~
- (2) The officer shall give written notice to the owner of the property on which an outdoor lighting violation as defined in this article exists.

EXHIBIT A

- (A) The notice shall state:
 - (i) The specific condition that constitutes a violation; and
 - (ii) That the person receiving notice must correct the violation no later than the 30th day after the date on which the notice is served.
- (B) Failure to correct the violation will result in a class C misdemeanor being filed.
- (C) Written notice/violation shall be served on the owner or his agent:
 - (i) In person or by registered or certified mail, return receipt requested;
 - (ii) If personal service cannot be obtained or the address of the owner or his agent is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in a newspaper with general circulation in the City two (2) times within 10 consecutive days;
 - (iii) If the occupier of the premises is not the owner or his agent, the occupier shall also be served with notice:
 - a. In person or by registered or certified mail; or
 - b. If personal service cannot be obtained, by posting a copy of the notice on the premises.
- (3) The City may not approve any further plat, permit or plan for any subdivision that installs new street lighting that does not meet the street lighting standards of this article.
- (b) Violations defined. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve or convert any illumination device of any type, or cause the same to be done, contrary to or in violation of any provision of this article. Any person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this article is committed, continued, or permitted.
- (c) Penalties. Any person, firm, corporation, or association violating the provisions of this article shall be cited for a misdemeanor violation, and, upon conviction, shall be fined in any sum not more than five hundred dollars (\$500.00), and each day of continued violation shall be a separate offense.

Sec. 3.15.0065 Variances and Temporary Exemptions

- (a) Variances. City Council may grant a variance to the requirements of this article where a literal enforcement of the provisions will result in unnecessary hardship. A variance request must be submitted to the City Council in writing that sets out the basis for the request. No variance can be granted unless:
 - (1) It will not be contrary to public interest;
 - (2) It will be in harmony with the spirit and purposes of this article;
 - (3) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial; and
 - (4) The variance will not substantially weaken the general purposes of this article.
- ~~(b) Temporary exemption. Any individual may submit a written request to the City Council for a temporary exemption from the requirements of this article. The request for the exemption must contain the following information:~~
 - ~~(1) Proposed use and location of the outdoor light requested.~~
 - ~~(2) Type of lamp or lamps to be used, including manufacturer's part number and initial lumens.~~

EXHIBIT A

- ~~(3) — Type of light fixture used, including manufacturer's model number and specification (cut) sheets indicating photometric distribution data stated in isofootcandle diagrams.~~
- ~~(4) — Starting and ending dates for temporary exemption.~~
- ~~(5) — Contact information including name of requester, address and telephone number.~~

EXHIBIT B

Section 4.9 Permitted Uses

Table 4.2: Use Table

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space ¹	Parking
Residential									
Manufactured Housing	NP	NP	NP	P/C	NP	NP	NP P	NP	2 spaces per each dwelling unit
Commercial									
Retail Sale of Hemp (CBD/THC/cannabis)	P/C	NP	NP	P/C	NP	NP	NP	NP	1 space per 300 sf of usable building area
Retail Sale of Kratom Products by a Retailer	P/C	NP	NP	P/C	NP	NP	NP	NP	1 space per 300 sf of usable building area
Miscellaneous									
Religious Institution	P NP	P—NP	P	P	P NP	P NP	P—NP	P—NP	1 space every 2.5 people on site at one time
Industrial									
Data Center	NP	NP	NP	S	NP	NP	NP	NP	To be determined by the City Manager or designee based on use and location

* * *

Section 4.10 Conditional Uses

(17) Retail sale of hemp (CBD/THC/cannabis)

Hemp sales shall abide by all state law provisions and be permitted in accordance with Table 4.2 and subject to the following standards:

- a. Consumable hemp products for the purpose of sale of packaged hemp-derived products (such as CBD foods, beverages, or other consumables) to the public by a licensed business. These products must meet specific legal definitions and regulatory requirements under the Texas Health and Safety Code (HSC) Chapter 443, the Texas Administrative Code (TAC) Chapter 300, and the Texas Agriculture Code Section 121.001.

EXHIBIT B

- b. Shall not be located within a radius of 500 feet from the following land uses: another hemp or kratom retail business, religious institutions, school, day care facility, any alcohol retailer or establishment, pawnshop, or residential. This subsection does not apply to incidental uses where 20% or less of the gross square footage of the store displays hemp products.

(18) Retail Sale of Kratom

Kratom sales shall abide by all state law provisions and be permitted in accordance with Table 4.2 and subject to the following standards:

- a. Meets Texas Kratom Consumer Health and Safety Protection Act, including:
 - i. Product testing documentation
 - ii. Age verification systems
 - iii. Clear ingredient labeling
 - iv. Warning label requirements
- b. Shall not be located within a radius of 500 feet from the following land uses: another kratom or hemp retail business, religious institutions, school, day care facility, any alcohol retailer or establishment, pawnshop, or residential. This section does not apply to incidental uses where 20% or less of the gross square footage of the store displays kratom products.

* * *

Section 6.4 General Standards

(9) Auxiliary Building and Site Standards

- d. Outdoor Lighting:
 - i. ~~Covered porch lighting on residences is permitted provided that each external light fixture does not exceed 2220 lumens.~~
 - ii. ~~Security lights of any output that are controlled by a motion sensor switch are permitted provided they do not remain illuminated longer than ten (10) minutes after activation.~~
 - iii. ~~i. Outdoor lighting must comply with the City's Outdoor Dark Sky Lighting Ordinance Article 3.15 requirements.~~

* * *

Section 6.8 Outdoor Lighting

Outdoor lighting must comply with the City's Outdoor Dark Sky Lighting Ordinance Article 3.15 requirements.

~~(1) Purpose and Intent~~

~~The purpose of this Section is to regulate outdoor lighting in order to reduce or prevent light pollution in the City. All regulations in this section are in addition to the City's Dark Sky requirements. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces privacy, degrades the enjoyment of the night sky, and results in higher energy use and increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents and will help preserve the historic and rural character of the City in keeping with the desired objectives of the Comprehensive Plan.~~

EXHIBIT B

(2) Applicability

- a. ~~Binding Regulations.~~ The regulations contained in this Section are binding only within the City limits of Fair Oaks Ranch. All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the City limits will be required to comply with this Code. This Code does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this Code if it is determined by the City Manager that it creates a nuisance, or a safety hazard as defined in the References Section of this Code.
- b. ~~Compliance.~~ Compliance with the regulations in this Section is strongly encouraged for improvements and developments within the ETJ in order to prevent light pollution and preserve the rural and historic character of the City. Compliance with these requirements will be administered by the City Manager or his or her designee.
- c. ~~Existing and Replacements.~~ All outdoor lighting fixtures existing and legally installed and operating before the effective date of this Code will be exempt from this Code unless they are determined to create a safety hazard. When an existing lighting fixture(s) become inoperable, their replacements are subject to the provisions of this Code.
- d. ~~Modifications.~~ Modifications to nonconforming lighting fixtures must also comply with this Chapter.

(3) Exemptions

The following are exempt from the provisions of this Code:

- a. ~~Publicly maintained traffic control devices;~~
- b. ~~Street lights installed prior to the effective date of this Code (until replaced as noted in Section 7.8(2)c.);~~
- c. ~~Temporary emergency lighting, e.g., for fire, police, repair crews, etc.;~~
- d. ~~Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right-of-way;~~
- e. ~~Moving vehicle lights;~~
- f. ~~Navigation lights, e.g., aircraft warning beacons on water storage reservoirs and wireless transmission facilities, required by State or Federal law;~~
- g. ~~Seasonal decorations with lights in place no longer than sixty (60) days;~~
- h. ~~Sports field lighting, until 10:00 P.M.;~~
- i. ~~Other temporary uses approved by the City Council, e.g., festivals, carnivals, fairs, night-time construction, etc.;~~
- j. ~~Covered porch lighting on residences, provided that each external light fixture does not exceed 2220 lumens; and~~
- k. ~~Security lights of any output that are controlled by a motion sensor switch, provided they do not exceed 0.25 foot-candles at the property line and do not remain illuminated for a duration not to exceed ten (10) minutes after activation.~~

(4) Submittals

Applications for all building permits other than single-family and duplex residential, or site development permits, including the installation of outdoor lighting fixtures for new construction, will provide proof of compliance with this Code. The submittal will contain the following information as part of the site plan:

- a. ~~Plans.~~ Plans indicating the location, type, and height of lighting fixtures, including both building-mounted and ground-mounted fixtures, and details illustrating the foot-candle

EXHIBIT B

- power measured throughout the site;
- b. Description of the Lighting Fixtures. A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
- c. Photometric Data. Photometric data, which may be furnished by the manufacturer, showing the angle of light emission;
- d. Additional information. Additional information may be required by the Planning and Zoning Commission in order to determine compliance with this Code.

(5) General Lighting Standards

The following standards will apply to all outdoor lighting installed after the effective date of this Code:

- a. Minimum Lighting Necessary. Outdoor lighting will be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights of way.
- b. Hooded. Outdoor lighting must be hooded, shielded, and/or aimed downward. The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed so as to ensure that the illumination is only pointing downward onto the ground surface.
- c. Light Trespass. Any bright light shining onto an adjacent property or streets that would
- d. result in a safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane will be considered non-compliant. All outdoor lighting fixtures will be designed, located, and maintained to minimize light trespass, and all direct illumination will be kept within the boundaries of the property upon which the light fixture is positioned
- e. Existing Fixtures. Existing fixtures may be adapted to comply with this Code by adding a properly designed hood or shield, or by redirecting any upward-mounted fixture downward onto the ground surface, sign, or illuminated structure.
- f. Accent Lighting. When approved, accent lighting will be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions will not be visible above the roofline or beyond the building edge.
- g. Spotlights. Spotlights on landscaping and foliage will be limited to one hundred and fifty (150) watts output. The light will be shielded and so as not to create a nuisance or safety hazard.

(6) Specific Nonresidential Lighting Requirements

- a. Maximum Allowable Intensity. The maximum allowable intensity of lighting for any nonresidential use will be 0.25 foot-candles measured at the property line adjacent to any residentially zoned area or at the street right-of-way line when the residentially zoned area is separated by a public street right-of-way.
- b. Light Poles. Light poles will be placed on the site at a setback equal to their height from all adjacent residential property. Light poles will have a maximum height equal to the maximum height allowed for the main building in each zoning district.

EXHIBIT B

* * *

Section 10.9 Political Signs on Public Property

(1) Purpose

The purpose of this Section is to provide reasonable regulations for political signs on the premises of public property when used as an election polling place. These regulations are intended to mitigate safety concerns, prevent damage to public property, and ensure that such property is sufficiently available for patrons who use the facilities other than for election purposes.

(2) Permits

No permit will be required under this Section for on-premises political signs. Any political sign listed in this Section will be erected and maintained in a safe condition in conformance with all other requirements of this Chapter.

(3) Regulations and Exceptions

a. The following regulations apply:

- I. ~~Election~~ Political Signs. All election political signs must comply with State law ~~Sec. 259.003 of Chapter 259, Title 15 Texas Election Code 259.003~~ and City regulations.
- II. ~~Place no~~ No electioneering political sign or literature shall be placed within ten (10) feet of the public roadway adjacent to the public property where a polling location is located.
- III. ~~Place no~~ No electioneering political sign shall on the premises that exceeds thirty-six (36) four (4) square feet and is more than or eight (8) feet in height, including any supporting poles or stakes, or to utilize nor shall any stake exceed more than 18 inches long in length or 1 foot 1-inch in diameter, cross-sectional, side view, or equivalent. Stakes may not be buried to a depth greater than ten (10) inches; and
- IV. ~~A limit maximum of three (3) political signs including canopy or tent per candidate or measure will shall be allowed permitted at the polling locationsite. The City Secretary will maintain a diagram designating areas for electioneering, the placement of political signs, and identifying restricted areas to assist with compliance; however, electioneering boundaries shall be enforced in accordance with the Texas Election Code. prohibited areas pursuant to Election code SS61.003, as amended.~~
- V. A political sign is defined in accordance with Chapter 13 of this UDC and includes banner, staked, freestanding, portable, and vehicular or trailer signs when the primary purpose of the vehicle or trailer is to display signage at the polling location. However, this definition does not include handheld signs, signs affixed to clothing, or signs displayed on vehicles in active use for transportation purposes. A canopy or tent containing political messaging shall be considered a single political sign regardless of the number of display surfaces and shall not exceed 10 by 10 square feet. Only one canopy or tent per candidate or measure is permitted on a daily first come, first serve basis in designated areas.

b. Removal and Disposal

- I. In addition to imposing any criminal penalty, the City Manager may, without notice, remove and dispose of electioneering political sign(s) located in violation of this section.
- II. Political signs may be placed on public property no earlier than the day before the voting period.

EXHIBIT B

- III. All political signs located on public property shall be removed no later than ~~three (3) the day~~ ~~business days~~ after the conclusion of voting, unless State law prohibits the removal of signs after the time period. Any non-compliant signs remaining after ~~three business days~~ will be removed by the City and held ~~until the seventh (7) days~~ after the conclusion of voting and will be disposed of after the seventh day.

* * *

Section 13.2 Words and Terms Defined.

For the purpose of this UDC, certain terms and words herein will be defined as follows:

Data Center. To include all types of data centers such as Enterprise Data Center (On-site), Colocation Data Center (Multi-tenant), Hyperscale Data Center/Other Large-load Customers (Cloud / Massive Scale), Edge Data Center (Small / Distributed), Modular / Containerized Data Center. If a facility is labeled differently (e.g., a cloud computing hub, AI training center, or colocation site), if it draws 75 MW or more from Electric Reliability Council of Texas grid, it shall meet Texas Senate Bill 6.

Hemp. Meets Texas Agriculture Code Section 121.001 definition of hemp, including the plant Cannabis sativa L., its seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, provided the delta-9 tetrahydrocannabinol (THC) concentration does not exceed 0.3% on a dry weight basis.

Kratom. Any part of the leaf of the plant Mitragyna speciosa, as regulated by the Texas Kratom Consumer Health and Safety Protection Act (Senate Bill 497, effective September 1, 2023).

Kratom Processor — a person who manufactures, prepares, distributes, maintains, advertises, represents, or packages kratom products for sale.

Kratom Product — a food (including extracts, capsules, or pills) containing any form of kratom.

Kratom Retailer — a kratom processor who sells kratom products to consumers or advertises as doing so.

Manufactured Home. A HUD-code manufactured home, which is HUD certified and built after June 15, 1976, as defined by the Texas Occupations Code. A structure transportable in one or more sections, which is built on a permanent chassis and is designed as a dwelling with or without a permanent foundation when connected to the required utilities. As of Sept. 1, 2017, that was: a structure constructed on or after June 15, 1976 or a mobile home. “Mobile home” means a structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term does not include a recreational as defined by the State of Texas.

“Mobile home”. ~~means a~~ A structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The

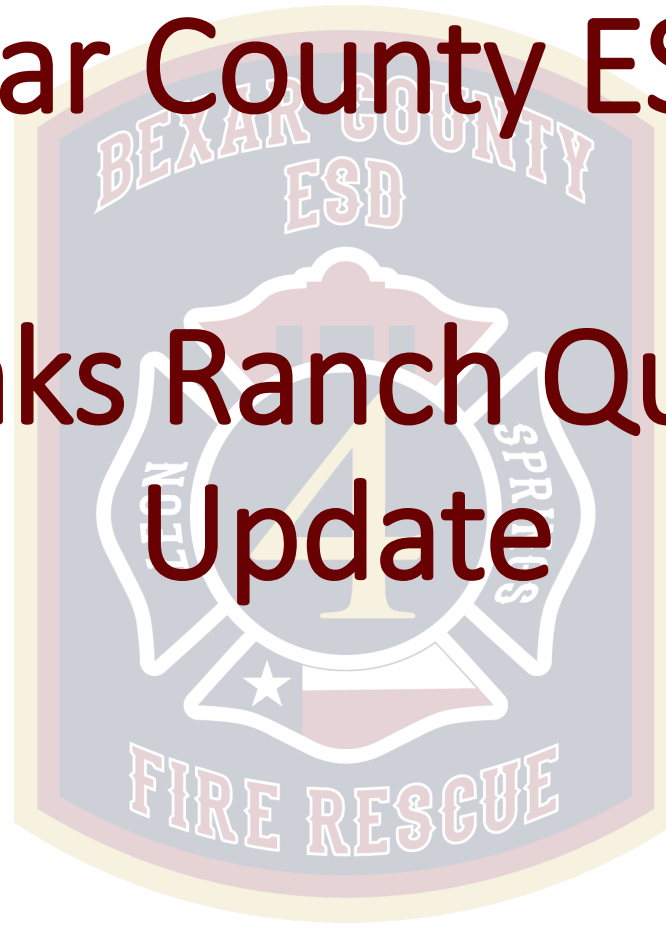
EXHIBIT B

term does not include a recreational vehicle as defined by the State of Texas.

Voting Period. ~~The period each day the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later~~ timeframe beginning with the first day of early voting as established by state law and ending at the close of polls on Election Day. Early voting is as defined in Section 85.001 of the Texas Election Code (TEC).

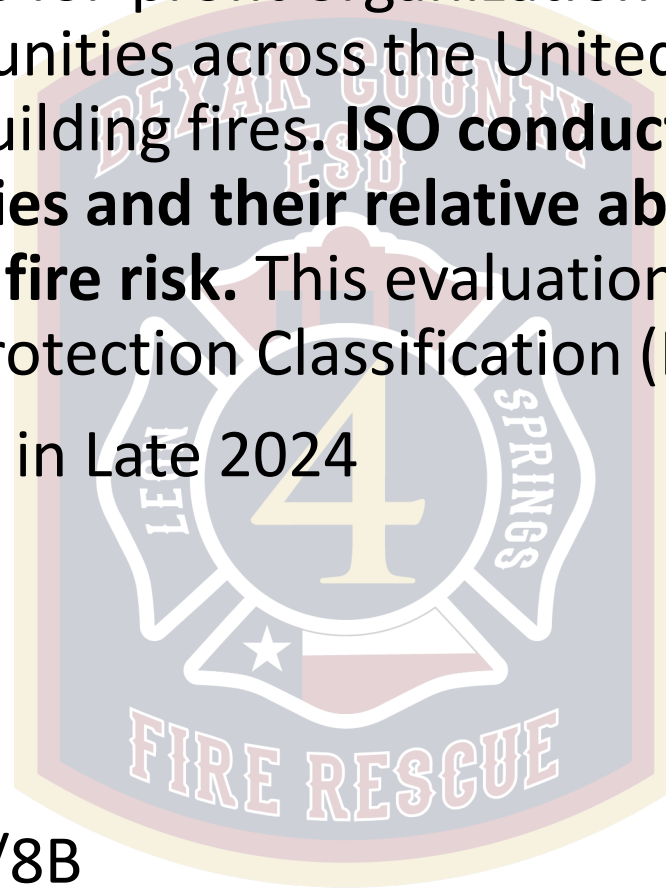
Bexar County ESD 4

Fair Oaks Ranch Quarterly Update



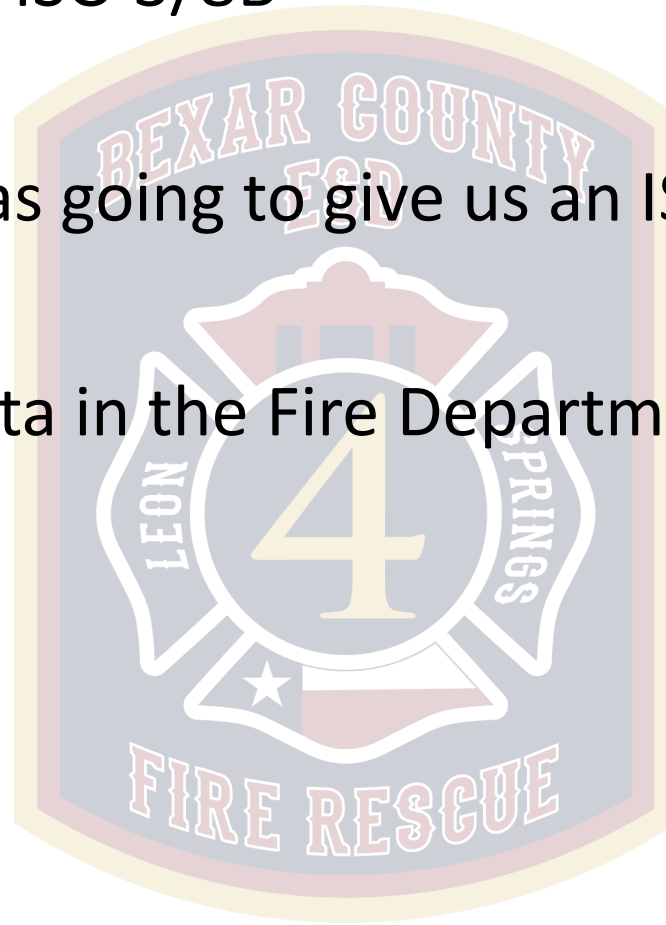
Insurance Service Office (ISO)

- The ISO is a national, not-for-profit organization that collects and evaluates information from communities across the United States regarding their capabilities to combat building fires. **ISO conducts field evaluations in an effort to rate communities and their relative ability to provide fire protection and mitigate fire risk.** This evaluation allows ISO to determine and publish the Public Protection Classification (PPC).
- Started regrade with ISO in Late 2024
- Last graded in 2014
- Initial ISO rating was a 3/8B



ISO Rating

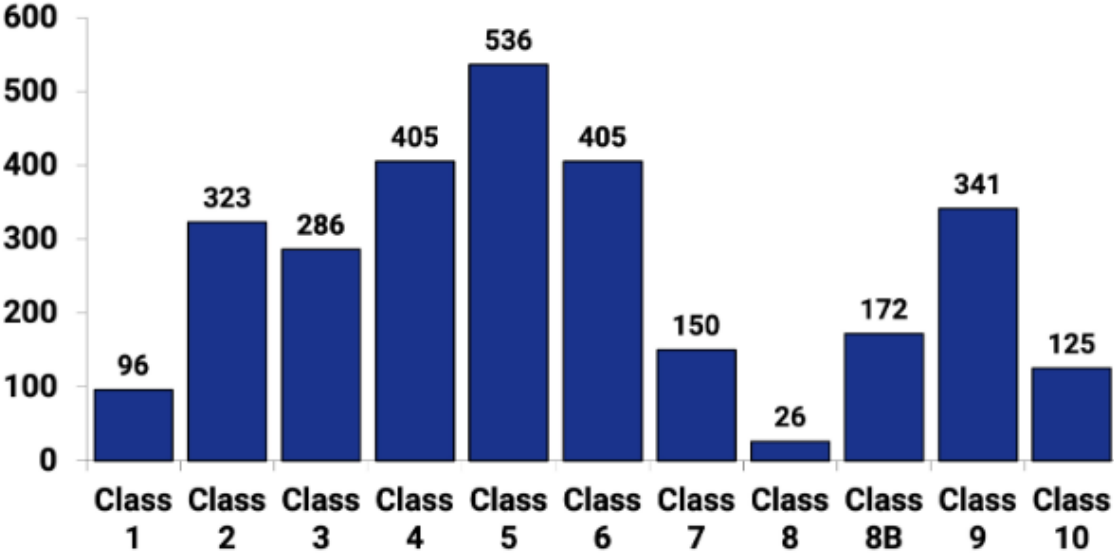
- 2014 Previous Rating was an ISO 3/8B
- Summer 2025-Regression was going to give us an ISO 4/9
- Last 10 months-Compiled data in the Fire Department segment



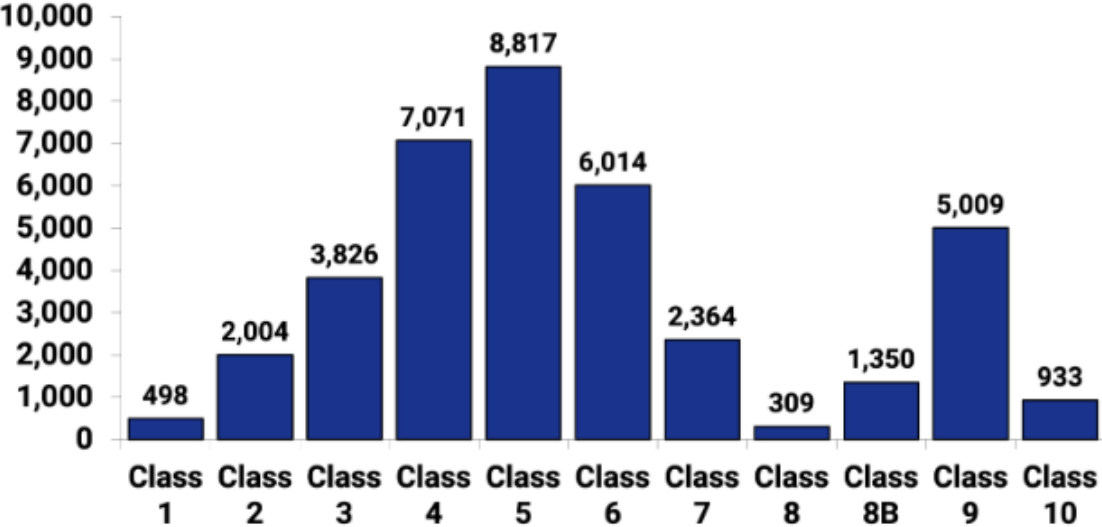
ISO Rating

286/2865=10% FD in Texas are Class 3

Texas



Countrywide



3826/38195=9.9% of Dept in Country

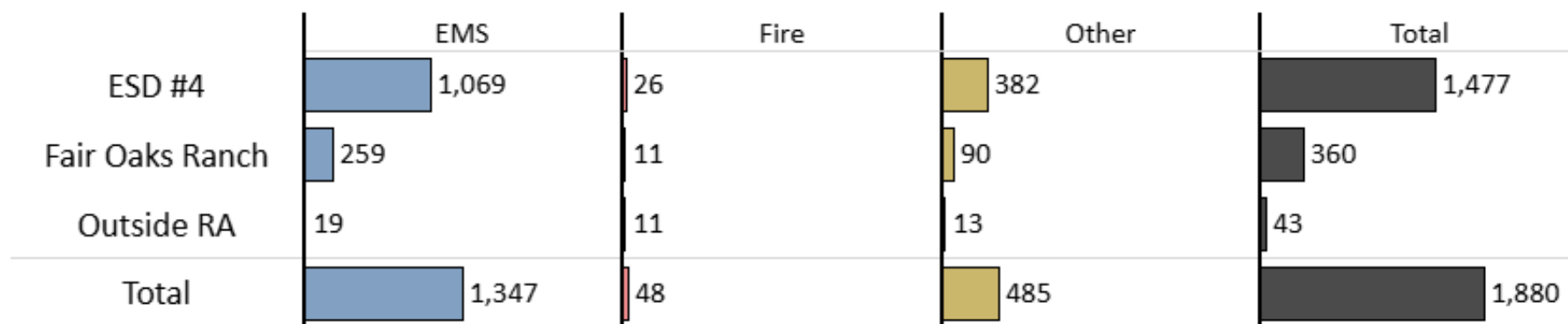
Current Rating is an ISO 3/3

2026 YTD Response Data

Average Response Time 1/1/2026 - 8/26/2026

Incident Zone	EMS	Fire	Other	Total
ESD #4	00:08:09	00:08:21	00:09:02	00:08:21
Fair Oaks Ranch	00:09:57	00:09:06	00:10:08	00:09:57
Outside RA	00:11:26	00:17:55	00:21:27	00:14:51
Total	00:08:32	00:10:04	00:09:21	00:08:45

Call Volume

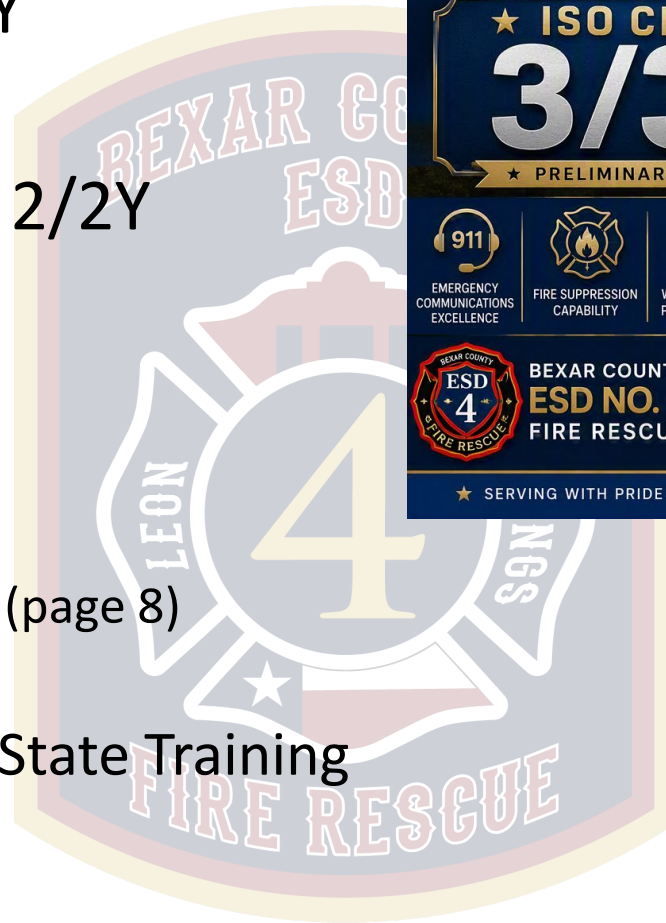


12 Month Response Minutes Trend by Response District



Future Goal

- FOR is now a Class 3/3Y
- BCESD 4 is now a Class 2/2Y
- Future Goal: ISO 1
- Areas of Improvement (page 8)
 - Deployment Analysis
 - Training Facility/ Texas State Training
 - Company Personnel



ISO Insurance Services Office®
Leading information. Empowering decisions.®

PUBLIC PROTECTION CLASSIFICATION RESULTS
FAIR OAKS RANCH, TEXAS

★ **ISO CLASS** ★
3/3Y
★ PRELIMINARY FINDING ★

911 EMERGENCY COMMUNICATIONS EXCELLENCE
FIRE SUPPRESSION CAPABILITY
WATER SUPPLY PERFORMANCE
COMMUNITY RISK REDUCTION

BEXAR COUNTY ESD NO. 4 FIRE RESCUE
PROUDLY SERVING FAIR OAKS RANCH AND WESTERN BEXAR COUNTY

★ SERVING WITH PRIDE • PROTECTING OUR COMMUNITY • SAVING LIVES ★

ISO Insurance Services Office®

PUBLIC PROTECTION CLASSIFICATION (PPC®) SUMMARY REPORT

BEXAR COUNTY ESD NO 04
BEXAR COUNTY, TEXAS

ISO has completed its preliminary analysis of your fire insurance classification based on the information collected and verified during our recent survey.

WHAT THIS MEANS
The Public Protection Classification (PPC®) is an evaluation of your community's fire suppression capabilities. Class 2/2Y places your fire protection capabilities in a superior category. This classification is not effective until you receive official notification from the State Fire Marshal's Office.

PPC BENEFITS YOUR COMMUNITY

- RECOGNIZES** Your community's commitment to fire protection.
- SUPPORTS** Insurance underwriters in evaluating fire protection capabilities.
- MAY HELP** Property owners benefit from lower insurance premiums.
- BENCHMARKS** Provides a valuable tool for planning and justifying improvements.

PPC® is a registered trademark of Insurance Services Office, Inc.

In cooperation with the Texas Department of Insurance / State Fire Marshal's Office

Hiring Process

- Part-time Firefighter/EMT/Paramedic
 - 47 applications

- Full-time Firefighter/EMT/Paramedic
 - 147 applications

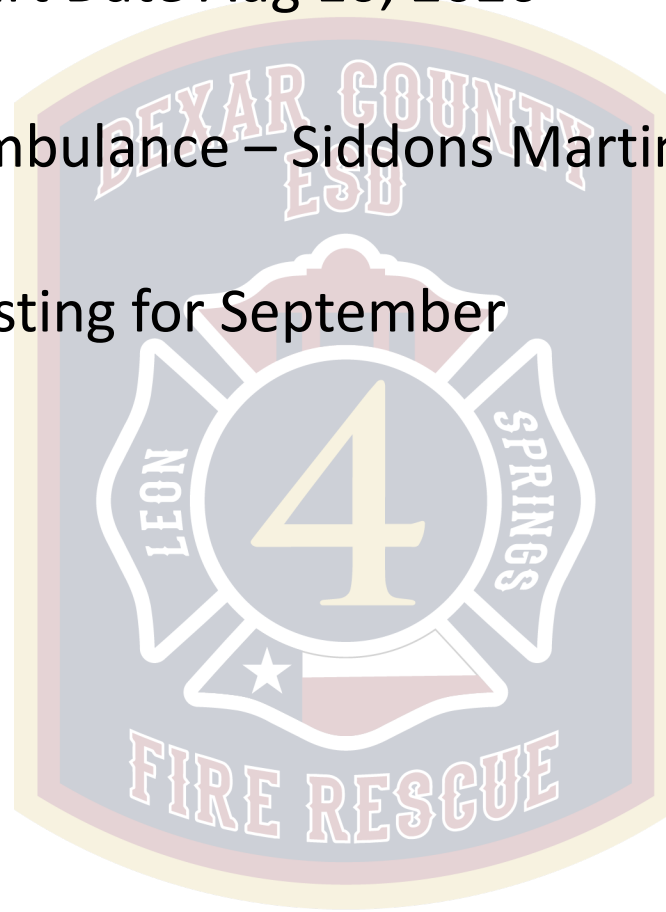
Invited 180 to take written examination
Cibolo Creek Community Church Venue

- Training Captain posted
 - 7 candidates
- Assistant Chief posted
 - 16 candidates



EMS Initiatives

- Start of the EMT Class – Start Date Aug 10, 2026
- Complete Specs for new Ambulance – Siddons Martin
- Finalize MOF Promotion Testing for September



Fire Operations

- New Ladder went in service on August 3, 2026
- Three Structure Fires
- Promotions for Lieutenants and Engineers
- Eng. Cantu, Eng. Navarro, Lt. Gregory, Lt. Wiley
- Promotion Ceremony Tentative date August 24

Eng. Cantu



Eng. Navarro



Lt. Gregory



Lt. Wiley



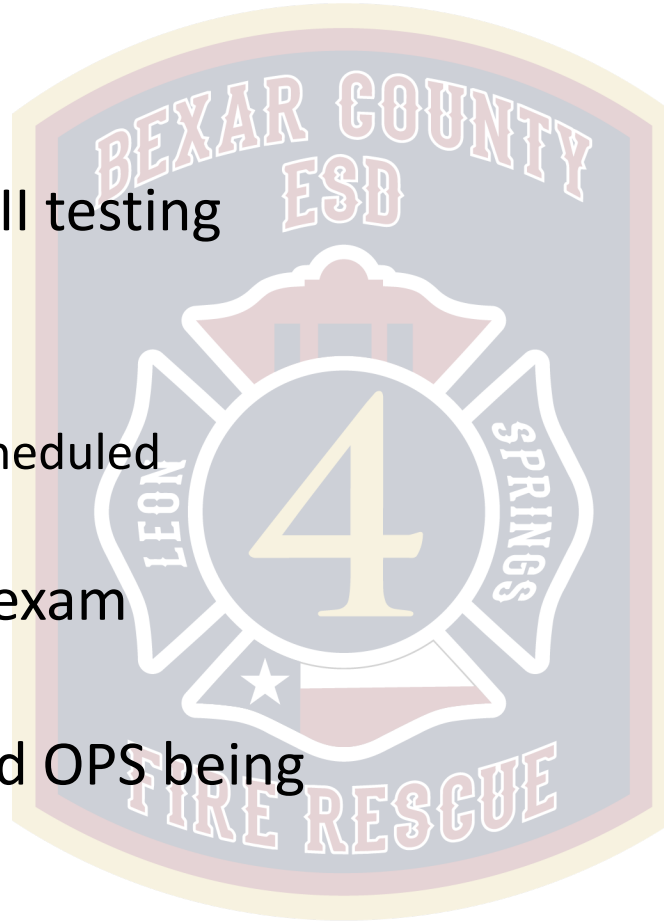
Community Risk Reduction

- Car seat Education/Installs: 5
- Smoke/CO Alarm Prevention visits: 0
- Public Relations:
 - Setterfeld Estates 4th of July Parade
 - Fair Oaks Ranch 4th of July Fireworks
 - Cibolo Creek Community Church Birthday party
 - Rib Eating Contest at Texas Road House



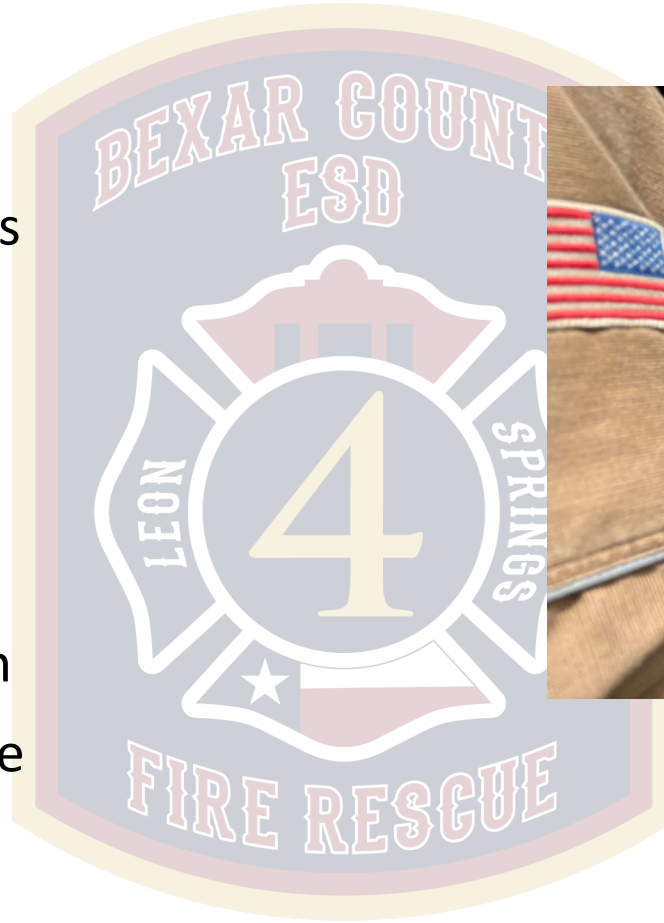
Volunteer Program

- Volunteer Program
 - Prep for Firefighter I & II testing
 - 85% passed Written
 - 2nd attempt is being scheduled
 - 100% passed Practical exam
 - Haz Mat Awareness and OPS being scheduled



Training

- June - August:
- Fire Training: 242.75
- EMS Training: 54.92 hours
- Ladder Truck Training: 31.50 Hours
- Total Training: 2331.83
- August:
- Roll-out updated PAT Test
- Hiring Process for Training Captain
- Haz Mat Tech Training with Boerne
- TCFP meeting in Austin Aug 20



Q & A

President: Ron Haygood - ron.haygood@bcesd4fr.org

Vice President: Ken Lopez-Maddox - ken.lopezmaddox@bcesd4fr.org

Treasurer: Stephan Surratt - stephen.surratt@bcesd4fr.org

Secretary: Jack Huber - john.huber@bcesd4fr.org

Commissioner: Nathaniel Lee - nathaniel.lee@bcesd4fr.org

Fire Chief: Jack Andrade - jandrade@bcesd4fr.org

Fire Administrator: Lee Standley - Standley-standley@bcesd4fr.org

Assistant Chief: VACANT

Assistant Chief: Scott Burgess - sburgess@bcesd4fr.org

