

CITY OF FAIR OAKS RANCH

PLANNING AND ZONING COMMISSION SPECIAL MEETING

Thursday, April 22, 2021 at 6:30 PM

Via Zoom Videoconference

AGENDA

VIRTUAL MEETING NOTICE

There exists a public health emergency related to the COVID-19 VIRUS that necessitates a meeting of the planning and zoning commission to take place via video conference pursuant to government code chapters 551.127, as modified by executive order of the Governor.

Zoom Videoconference Link: <https://www.zoomgov.com/j/1613218853>

Phone in number: US: +1 669 254 5252 or +1 646 828 7666 or 833 568 8864 (Toll Free)

Webinar ID: 161 321 8853

If you wish to address the Planning and Zoning Commission via telephone, please select *9 on your phone, this will place you in a queue for speaking. At the appropriate time, the City Secretary will call upon each individual separately. *6 will unmute your phone to allow you to speak.

OPEN MEETING

Roll Call - Declaration of a Quorum

CITIZENS and GUEST FORUM

If you are calling by phone and wish to address the P&Z Commission, select *9 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. Select *6 to unmute your phone to speak. In accordance with the Open Meetings Act, the P&Z Commission may not discuss or take action on any item which has not been posted on the agenda.

1. Citizens to be heard.

WORKSHOP

2. Discussion on amendment of the Fair Oaks Ranch Unified Development Code.

Lata Krishnarao, AICP, LEED ND, Gunda Corporation

ADJOURNMENT

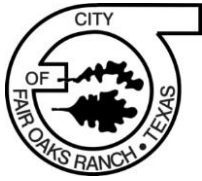
Signature of Agenda Approval: s/Tobin E. Maples

Tobin E. Maples, City Manager

I, Christina Picioccio, 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 6:30 PM, April 19, 2021 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side 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.
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PLANNING & ZONING CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
April 22, 2021

AGENDA TOPIC: Discussion on the proposed amendments to the Unified Development Code
DATE: April 22, 2021
DEPARTMENT: Public Works and Engineering Services
PRESENTED BY: Katherine Schweitzer, P.E., Manager of Engineering Services
Lata Krishnarao, AICP, LEED ND, Consultant, Gunda Corporation

SUMMARY:

This is Session 4 of the discussion on proposed amendments to the Unified Development Code. Prior work sessions were held on March 11, 2021, March 25, 2021 and April 8, 2021.

PROPOSED AMENDMENTS TO BE DISCUSSED AT SESSION 2:

The attached memo explains the proposed amendments that pertain to Chapter 10 on Signs.

P & Z ACTION:

Review recommendations and provide input.

City of Fair Oaks Ranch

Proposed Unified Development Code Amendments

Session 4

Chapter 10 SIGNS

1. Observation – Prohibited Signs
 - Clarity on Off-Premise Signs
 - Clarity on Small Flags and Pennants
2. Observation – Sign Permitting Processes
3. Observation – Master or Common Signage Plan
 - a. Approval
 - b. Action on Master/Common Signage Plan
4. Observation – Sign Setback Clarification
5. Observation – Temporary Signs
6. Observation – Incomplete Information
7. Observation – Sign Types
8. Observation – Enforcement Section
9. Observation – Others

Chapter 10 SIGNS

1. Observation – Prohibited Signs

○ Clarity on Off-Premise Signs

The Fair Oaks Ranch UDC is ambiguous regarding treatment of billboards and billboards are not clearly addressed in Chapter 10 – Signs. While dimensions and height requirements for freestanding signs are outlined in Table 10.3 (pg. 212), billboards are not explicitly prohibited in this section, whereas off-premise signs are prohibited. Certain zones and areas such as Logistics and IH-10 Frontage permit freestanding signs with a height of 8' and surface area of 72 square feet and 42' tall and 200 square feet, respectively. The regulations do not prohibit pole signs along the IH-10 corridor or in the Logistics (LO) zoning district on portions of Elkhorn Ridge Road which are not designated by TxDOT as Rural Roads.

According to the City Attorney, Off-Premise signs will be difficult to prohibit given the recent court decisions on signage and speech. The only way to distinguish between on and off premise signage is the message and that would be prohibited or at best limited in application to some commercial speech. Billboards are different in the sense that size and separation requirements and prohibitions appear to still be allowed by law.

Recommendation

- Amend the Fair Oaks Ranch UDC to explicitly prohibit billboards in Section 10.4(2)- Prohibited Signs such as in the City of Boerne Sign Ordinance (2008-21, pg. 22) and City of Boerne UDC (March 2020). This will clarify that such signs are prohibited.

Section 10.4 *Exempt, Prohibited and Nonconforming Signs*

(2) Prohibited Signs

All signs not expressly permitted under this Section or exempt from regulation hereunder in accordance with this Section are prohibited in the City or its ETJ. Such signs include, but are not limited to:

- a. *Beacons,*
- b. *Illuminated Signs,*
- c. *Obscene Signs,*
- d. *Inflatable signs and tethered balloons,*
- e. *Moving Signs,*
- f. *Off-Premise Signs (except City-owned Directional Signs)'*
- g. *Snipe Signs,*
- h. *Animated Signs,*
- i. *ERBS, except as provided in Section 10.3(9), and*
- j. *Human or hand-held signs not otherwise exempt.*
- k. **Billboards, as defined in this UDC.**

- Reword the definition of Billboards in UDC Chapter 13 – Definitions as proposed below:

Section 13.2 Words and Terms Defined

Signs:

~~*Billboards: An off-premise sign containing at least two hundred square feet face area and owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign that is prohibited by this Code.*~~

Billboards: An off-premise sign containing at least over two hundred square feet face area and owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign that is prohibited by this Code. All billboards are prohibited by this Code.

- **Clarity on Small Flags and Pennants**

It is not clear if small pennants and flags are prohibited.

Recommendation

Amend the definitions to define Moving Signs to include small flange and pennants.

Signs:

Moving. Any sign or part of a sign that is animated or moves; including moving elements.

Moving Signs, including inflatable moving signs are prohibited.

Moving Elements. Balloons, streamers, pennants, banners, mechanical arms, or the like.

2. Observation – Sign Permitting Processes

In general, the sign permit ordinance is unclear. Sign matrices/tables do not include all types of signs and all categories of zoning districts, which is unclear and confuses applicants. Tables 10.2 and 10.3 do not accurately explain sign permit requirements and contain discrepancies, incomplete, and inaccurate information.



City Staff has observed difficulty interpreting sign ordinance permit requirements.

Source: Google Maps, 2016

Recommendation

The information that is presented should be written in a manner that represents all types of signs and all categories of zoning districts and removes all discrepancies. In this regard:

- i. Modify the tables to be complete and accurate and include all type of signs.
- ii. Add all type of signs and if they are prohibited the table should relay that information to avoid confusion.
- iii. Remove reference to Signs on IH-10 Frontage (that permits 200 square foot signs) since that is not a zoning category in Table 10.3.
- iv. Add Subdivision Signs & Home Builders signs
- v. Clarify permitted sign areas – total, individual, wall, free standing, etc.
- vi. Clearly indicate where wall signs and free standing signs are permitted.
- vii. Consider combining Table 10.2 and 10.3 to remove discrepancies. Information in Table 10.2 conflicts with information in Table 10.3. For example, Table 10.2 allows 200 sq. ft. in LO district, while Table 10.3 states 72 sq. ft. is allowed. Summarizing and combining the two tables will be clearer.

3. Observation – Master or Common Signage Plan

- a. **Approval:** Master/Common Signage Plans (MSP/CSP) are required to be approved as part of the Final Plat. There may be changes during construction to the final sign layout and configuration that results in minor variations from the submitted plan. Since the UDC does not allow for MSP/CSP to be submitted at a later date, a final plat amendment is currently required to change signage location. This is especially applicable for developments approved prior to the UDC, a Master Signage Plan was not always addressed or contemplated during the earlier stages. This UDC amendments will not preclude appropriate easements for signs to be shown on the plat.

Recommendation

Consider allowing the Master/Common Signage Plan approval after the approval of the Final Plat and consolidating the approval process with general sign permits (See Section 10.2(e) and 10.8(e)). Consider adding a phrase to the effect of: "A MSP or CSP may be filed separately or included in...simultaneously" (Section 10.8(e)).

Section 10.8(e)

Procedures:

- i. *Submittal. A MSP or CSP will be included in any Development Plan, Site Plan, Planned Unit Development Plan, or other official plan required by the City for the proposed development and will be processed simultaneously. **In the event that a MSP or CSP is not processed simultaneously or as part of the Development Plan, Site Plan, Planned Unit Development Plan, or other official plan, it may be submitted separately at a later date, subsequent to the approval of the above mentioned governing plans.** The City Manager (or designee) may review the **MSP or CSP Plan** and approve it provided it meets all requirements of this Chapter and **the requirements of the approved Development Plan, Site Plan, Planned Unit Development Plan, or other official plan as applicable;** otherwise, he / she may approve it with conditions; or may deny the Plan.*
- b. **Action on Master/Common Signage Plan:** The approval process is similar to other sign approvals as mentioned in Section 10.3 (2) General Permit Procedures. However, Section 10.3 (2) (a) also includes Master or Common Signage Plan. Due to this duplication, Section 10.3 (2) (e) can be eliminated, and the specific details can be incorporated under general procedures.

Recommendation

The Master/Common Signage Plan approval process should be modified to be similar to that of other sign permits. Eliminate Section 10.3 (2) (e) and edit as proposed below.

Section 10.3 (2) (e)

(2) General Permit Procedures

The following procedures will govern the application for, and issuance of, all sign permits under this Chapter, and the submission and review of Common Signage Plans and Master Signage:

- a. **Applications.** All applications for sign permits of any kind and for approval of a Master or Common Signage Plan will be submitted to the City Manager (or designee) (see Chapter 3, Applications and Permits, Section 3.9, Development Related Applications).

- b. Fees. Fee for a sign permit or for approval of a Master or Common Signage Plan will be submitted at the time of issuance of the permit. Fee amounts will be established by the City Council by ordinance.
- c. Completeness. The City Manager (or designee) will review all applications for sign permits or for a Master or Common Signage Plan for completeness. If the City Manager (or designee) finds that it is complete, the application will then be processed. If the City Manager (or designee) finds that it is incomplete, the City Manager (or designee) will, within such ten-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the Chapter.
- d. Action on Permit. After the submission of a complete application for a sign permit, the City Manager (or designee) will either:
 - i. Accept. Issue the sign permit, if the sign(s) that is/are the subject of the application conforms in every respect with the requirements of this Chapter and of the applicable Master or Common Signage Plan; or
 - ii. Reject. Reject the sign permit if the sign(s) that is/are the subject of the application fails in any way to conform to requirements of this Chapter and the applicable Master or Common Signage Plan. In case of a rejection, the City Manager (or designee) will specify in the notice of rejection the sections of the Chapter or applicable plan or agreement with which the sign(s) is/are inconsistent.
- e. ~~Action on Master/Common Signage Plan. On any application for approval of a Master or Common Signage Plan, the City Manager (or designee) will either:~~
 - iii. ~~Approve. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with requirements of this Section, or~~
 - iv. ~~Reject. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of the Section. In case of a rejection, the City Manager (or designee) will specify in the notice of rejection the sections of this Chapter with which the plan is inconsistent. The City Manager (or designee) will take action on or before the following dates as applicable:~~
 - 1. ~~Fourteen (14) days after the submission of a complete application for existing buildings; or~~
 - 2. ~~On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.~~

4. Observation – Sign Setback Clarification

It is not clear how the setback for signs is measured- from the ROW line/property line/edge of pavement. Also, there are no guidelines on foundation landscaping.

Recommendation

- a. Add setback requirements.
- b. Add details on the sign material and foundation landscaping in the following section.

Section 10.3

(7) Design, Construction and Maintenance

All signs will be designed, constructed, and maintained in accordance with the following standards:

a. Compliance. All signs will comply with applicable provisions of this Code, the adopted versions of the City of Fair Oaks Ranch Building Codes, and the National Electrical Code at all times.

*b. Materials. Except for Banners, Flags, Temporary Signs, and Window Signs conforming in all respects with the requirements of this Chapter, all signs will be constructed of permanent materials and will be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. Materials - **All monument signs, including the base, must be designed and constructed to substantially appear as a solid mass, such as a cylinder, block, rectangle, or square, from ground level to the highest portion of the sign excluding the base. All monument signs, including the base, must be made of masonry (brick, stone, or concrete), metal, routed wood planks or beams.***

c. Maintenance. All signs will be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.

d. Foundation Landscaping - Signs shall be surrounded by a landscape bed(s) that extend a minimum of three feet (3') from the base of the ground sign structure.



Foundation Landscaping

5. Observation – Temporary Signs

Currently, permits are not required for temporary signs, making it difficult to ensure that they are permitted and are in conformance with UDC requirements. Additionally, certain cities charge a fee for the temporary signs.

Some cities have opted to regulate the total number and size and not require permits for those in residential areas. In commercial areas they are included in the total area for allowable signage.

Recommendation

Consider requiring permits for all signs (or at the minimum, for signs in commercial areas) to ensure compliance with size, type, duration, etc.

Section 10.1 (2) b

- ii. ~~**No Permit Required. Allow signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without requirements for permits;**~~
- iii. *Temporary Signs. Provide for temporary signs without commercial messages in limited circumstances, **subject to the substantive requirements of this Chapter, and with a permit;***

6. Observation – Incomplete information

Section 10.3 (4)(c) contains an incomplete list of zoning districts that are identified in the tables and is not required.

Recommendation

Consider removing this section.

Section 10.3 (4)

~~**C. — Zoning Districts. The following zoning districts are identified for the purpose of these tables:**~~

- ~~**i. — Mixed Use Village,**~~
- ~~**ii. — Neighborhood Commercial,**~~
- ~~**iii. — Community Facilities Logistics,**~~
- ~~**iv. — Existing Residential,**~~
- ~~**v. — Neighborhood Residential, and**~~
- ~~**vi. — Rural Residential**~~

7. Observation – Sign Types

All types of signs are not addressed. Staff has indicated that the old sign ordinance was more comprehensive. Additionally, all permitted signs are not listed in one section. For example, some signs, such as Sidewalk Signs, Canopies, etc. are listed under Sign Permits (Section 10.3 (4) (d) that covers general approval guidelines.

Recommendation

- a. Reorganize the chapter to list all types of signs under one section, with requirements for each in that section. Remove references from other sections.

Section 10.3 (4) (d)

Conditions. Although permitted under the previous paragraph and Table 10.1, a sign will be allowed only under the following conditions:

- (3) *Sign Area.* The area of the sign conforms to the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 10.2.
- (4) *Size, Location, and Number.* The size, location and number of signs on the lot conforms to the requirements of Tables 10.1, 10.2, and 10.3. In residential districts, freestanding sign requirements apply to entire subdivision. Building sign requirements apply to residential buildings having accessory uses.
- ~~(5) *Sidewalk Signs.* Sidewalk signs will only be allowed by permit in the Mixed Use Village and Neighborhood Commercial Districts and will adhere to the following conditions:~~
- ~~iv. — Sidewalk signs will not exceed four feet in height.~~
- ~~v. — Sidewalk signs must be placed directly in front of the business for which the sign is advertising.~~
- ~~vi. — Sidewalk signs must be removed when the business is closed.~~
- ~~vii. — Sidewalk signs must allow for a minimum of four feet of clearance as per American Disabilities Act (ADA) standards.~~
- ~~viii. — Prior to issuance of a sidewalk sign permit, applicants must submit an executed indemnification form to the City.~~
- ~~(6) *Canopies.* Canopies may be installed on building facades and will count toward the maximum allowable wall sign area if commercial messages are advertised and will adhere to the following conditions:~~
- ~~iv. — Commercial canopies will comply with all applicable ordinances, including building codes.~~
- ~~v. — Sign permits will be required if a commercial message is advertised on a canopy.~~
- ~~vi. — Canopies must maintain a minimum of eight (8) feet of clearance above the right-of-way.~~
- ~~(7) *Open Signs.* Small neon “open” signs are allowed behind glass storefronts only in the Mixed Use Village and~~

~~Neighborhood Commercial districts and in the ETJ and will not require a permit.~~

- b. Reorganize and combine requirements in a standard format that include area, height, setbacks, location, duration, permitting, other requirements. Review the type of signs to remove duplication and categorize them in a comprehensible manner. Include all sign types that were addressed in the old sign ordinance. Ensure that all signs have definitions.

Recommended Chapter Outline

CHAPTER 10 SIGNS

Section 10.1 Purpose, Applicability, and Effect.

Section 10.2 Calculations

Section 10.3 Sign Permits

(1) Permits Required

(2) General Permit Procedures

(3) Permits to Construct or Modify Sign

Section 10.4 ~~Sign Permits~~ General Requirements

Off-Premise/On-Premise

Section 10.5 Types of Signs

Freestanding

Permanent Free Standing

Monument

Pole

Other

Incidental

Electronic Signs/Flashing Signs

Changeable Copy Sign

Off-site or On-site Event Signs – Non-residential

Off-site or On-site Event Signs – Residential

Flags

Home-occupation Signs

Building

Wall

Building marker/historic sign

Canopy

Projecting

Roof

Roof, Integral

Street Address

Wall Window

Open Signs (Neon)

Electronic Reader Board

Auxiliary Sign

Home-occupation Signs

Temporary

A-Frame**Building****Banner****Beacon****Daily Display/Promotional Signs****Holiday Signs****Inflatable Signs****Moving Signs****Portable Signs****Yard Signs (residential and commercial)**(limit number of off-site signs to three.)**Real Estate Signs -For Sale Sign, under contract, etc.****Event Signs -**](limit number of off-site signs to three.)

Others

Subdivision Signs (Add to this section and include guidelines)**Home Builder Signs** (Missing- Add and include guidelines)**Kiosk Signs** (Missing- Add and include guidelines)

Master Signage Plan

Multi-Tenant

Multi-Lot

Traffic Control Sign (private property)**Vehicular Signs****Sidewalk Signs****Signs in Public ROW**

Section 10.6 Exempt Signs

Section 10.7 Prohibited Signs

Section 10.7 ~~8~~ Nonconforming Signs~~**Section 10.4 Exempt, Prohibited, and Nonconforming Signs**~~Section 10.5 ~~9~~ Abandoned and Dilapidated Signs and Supporting StructuresSection 10.6 ~~10~~ **Political Signs Electioneering on City-Owned or Controlled Public Property**Modify the following tables to include complete information:

Table 10.1 – PERMITTED SIGNS BY TYPE AND ZONING

DISTRICT (Add total number of signs per lot for each category and duration)

Table 10.2 – MAXIMUM TOTAL SIGN AREA PER LOT BY ZONING

Table 10.3 – NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

8. Observation – Enforcement Section

Staff has indicated that in the old ordinance there was an enforcement section at the end, that was not carried over to the UDC.

Recommendation

Add from old ordinance (or similar language)

(2) A civil penalty up to \$250.00 a day, except that a fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed \$1,000.00, when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter; and

(3) Any and all other available relief allowed by law.

(d) Removal.

(1) In addition to remedies otherwise provided in this chapter, whenever the city has evidence of a sign which after the effective date of this chapter was constructed, reconstructed, placed, installed, repaired, maintained, relocate, altered, or used in violation hereof, or otherwise in violation hereof, the building code official or code enforcement officer shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so or if it appears to the building code official or code enforcement officer that the sign poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the city may destroy, sell, or otherwise dispose of the sign.

(2) The city shall have the authority to immediately remove and dispose of signs deemed in violation of this chapter, if such signs are placed on or attached to trees, utility poles, or pedestals, or located on any public land or public right-of-way. The city may enforce this section without notice and without returning the removed signs to the responsible party.

(Ordinance 2012-02 adopted 3/15/12)

9. Observation – Others

Certain areas in the UDC need clarifications, as listed below.

Recommendation

a. **Section 10.3 (5) Temporary Sign Permits (Private Property)**

b. Temporary Sign Permit. Temporary signs on private property will be allowed only upon the issuance of a temporary sign permit, which will be subject to the following requirements:

i. Term. A Temporary Sign permit will allow the use of a Temporary Sign for a specified 30- day period.

ii. Number. Only one Temporary Sign permit will be issued on **the same Zone one lot** during any consecutive 4-month period.

b. Section 10.3 (8) (ii). Master or Common Signage Plan

*Multi-Lot Development. A multi-lot development is one containing two or more contiguous and adjacent lots (disregarding intervening streets and alleys) that may or may not be under common ownership that contain more than one building (not including any accessory building). The Owner(s) of such multi-lot development may file a MSP. For the purpose of this paragraph, if the signage in the MSP meets the full intent of the section, then a 20 percent increase in the maximum sign area **permitted for one parcel** in that zone will be allowed for each **MSP** sign.*

Businesses that advertise on a multi-lot sign shall not be allowed a separate free standing sign.

c. Table 10.2 – Amend the table to:

- To permit wall signs in Community Facilities (CF), Logistics (LO), and Neighborhood Residential (NR) districts.
- Consider using lot width for all sign area calculations in all zones to be consistent. Currently, percentage of ground floor area of principal building is used for some districts while square footage of signage per linear foot of street frontage is used for others.
- Clarify how the total area is measured.
- Add size and height requirements for all signs. For example, these requirements for Temporary Signs are not clear.