

ORDINANCE NO. 2023-1433

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING CHAPTER 28, "COORDINATED DEVELOPMENT ORDINANCE (CDO)," ARTICLE II, ARTICLE III, ARTICLE IV, ARTICLE V, ARTICLE VII, OF THE FULSHEAR CODE, FOR THE AMENDMENT, REPEAL, OR OTHER CHANGE OF VARIOUS ZONING REGULATIONS APPLICABLE TO ONE OR MORE ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Fulshear, Texas, continuously reviews the Fulshear Code for opportunities to simplify, clarify, refine, and generally improve the Fulshear Code to make it more effective and efficient; and

WHEREAS, on September 15, 2020, the City Council adopted Ordinance No. 2020-1331, commonly known as the "Coordinated Development Ordinance" or "CDO", the same being codified as Chapter 28 of the Fulshear Code; and

WHEREAS, since the adoption of the CDO, the City Council has identified various provision thereof which it desires to amend in order to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City, and for protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the City Council finds that due notice of a public hearing before the Planning and Zoning Commission was given and the hearing was held, after which the Planning and Zoning Commission submitted its final report to the City Council; and

WHEREAS, the City Council finds that due notice of a public hearing before the City Council was given and the hearing was held after having received the final report of the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. Section 28-1-8(e)(1) of the Fulshear Code is hereby amended to read as follows:

"(1) *Zoning classification at the time of annexation.* A property owner shall request rezoning to a zoning district classification during the annexation process. An ordinance proposing zoning of a parcel, or parcels, to be annexed shall not be finally adopted by the city council before the date of final adoption of the annexation ordinance. The city council may approve an annexation, annexation agreement, and zoning classification

concurrently. However, should a specific zoning request not be made at the time of annexation the default zoning district of Estate Residential shall apply.”

Section 2. Section 28-1-11 of the Fulshear Code is hereby amended to read as follows:

“Sec. 28-1-11. – Conflicting provisions.

(a) In the event that the provisions of this CDO are inconsistent, conflict with one another, or with other adopted regulations of the city, the more restrictive provision shall control, unless otherwise specifically stated.

(b) For the purposes of this Ordinance, all references to the “Master Thoroughfare Plan” shall mean and refer to the “Major Thoroughfare Plan,” which terms are synonymous and interchangeable.

(c) For the purposes of this Ordinance all references to “multiple-family” and “apartment” shall mean and refer to “multi-family/apartment” which terms are synonymous and interchangeable.”

Section 3. Table 28-2-11-2 of the Fulshear Code is hereby amended to read as follows:

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Table 28-2-11-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	Use Type	Minimum Spaces	Maximum Spaces	Cross Reference
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses				
Hospitality				
Bed and Breakfast Inn	C	1 per guest room	1 per guest room	Sec. 28-2-16
Restaurant, Dine-In	P	1 per 200 sf. GFA	1 per 100 sf. GFA	—
Office and Professional				
Bank or Credit Union and Financial Services, No Drive-Through	P	1 per 450 sf. GFA	1 per 250 sf. of GFA	Sec. 28-2-16
Medical Office / Clinic, Labs, and Urgent Care Center	C	1 per 500 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16
Office, General	C	1 per 400 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16

Retail and Service				
Convenience Store without gas pumps	P	1 per 400 sf. GFA	1 per 200 sf. GFA	—
Gas Station	P	1 per 400 sf. GFA	1 per 200 sf. GFA	—
Restaurant, Drive-Through	C	1 per 250 sf. GFA	1 per 150 sf. GFA	—
Mobile Vendor / Food Truck	C	—		Sec. 28-2-16
Mobile Vending / Food Truck Park	S	—	—	Sec. 28-2-17
Grocery / Retail	P	1 per 400 sf. GFA	1 per 200 sf. GFA	—
Dry Cleaning Establishment	P	1 per 500 sf. GFA	1 per 200 sf. GFA	—
Massage Parlor	C	1 per 400 sf. GFA	1 per 200 sf. GFA	—
Hemp and Cannabinoid sales including Smoke Shop	S	1 per 250 sf. of GFA	1 per 150 sf. GFA	
Public, Institutional, and Utility				
Adult Day Care Center	P	1 per 400 sf. GFA	1 per 250 sf. GFA	—
Government Office (Post Office, Administration)	P	1 per 400 sf. GFA	1 per 150 sf. GFA	—
Day Care Center	P	1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students	1 per employee + 1 per 5 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 8 students	—
Governmental Service (Police, Fire, Emergency, Medical Services)	C	1 per 300 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16
Library	P	1 per 1,000 sf. GFA	1 per 300 sf. of GFA	
Park and Outdoor Recreation, Non-Commercial	P	2 per 1 acre; minimum of 10	5 per 1 acre; minimum of 10	—
Place of Assembly, Indoor	C	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	Greater of: 1 per 200 sf. or 1 per 3 seats in assembly area	Sec. 28-2-16
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area				

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Section 4. Table 28-2-12-2 of the Fulshear Code is hereby amended to read as follows:

Table 28-2-12-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	Use Type	Minimum Spaces	Cross Reference
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses			
Hospitality			
Alcoholic Beverage Sales, On-Site Consumption	C	1 per 100 sf. of GFA	Sec. 28-2-16
Hotel, Full Service and Hotel, Residence	C	1 per guest room + 1 per 300 sf. of meeting rooms, ballrooms, and administrative offices + 1 per 100 sf. of GFA of integrated restaurants and bars that are open to the public (if applicable)	Sec. 28-2-16
Restaurant, Brew Pub, Winery or Distillery	C	1 per 75 sf. of GFA	Sec. 28-2-16
Restaurant, Dine-In	P	1 per 100 sf. of GFA	—
Mobile Vendor / Food Truck	C		Sec. 28-2-16
Mobile Vending / Food Truck Park	S		Sec. 28-2-17
Bank, or Credit Union, and Financial Services without Drive-Through	P	1 per 300 sf. of GFA	—
Hospital	P	.5 per bed + 1 space per full- and part-time employee	—
Medical Office/Clinic, Lab, and Urgent Care Centers	P	1 per 300 sf. of GFA	—
Office, General	P	1 per 300 sf. of GFA	—
Research Laboratory	P	1 per 300 sf. of GFA	—
Public, Institutional, and Utility			
Adult Day Care Center	P	1 per 400 sf. of GFA	—
Day Care Center	P	1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students	—
Government Office (Post Office, Administration)	P	1 per 300 sf. of GFA	—
Governmental Service (Police, Fire, EMS)	P	1 per 300 sf. of GFA	—
Library	P	1 per 1,000 sf. of GFA	—

Place of Assembly, Indoor	P	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	—
Recreation and Amusement			
Recreation and Amusement, Outdoor	C	1 per 6 seats or 1 per 30 sf. if no permanent seats	Sec. 28-2-16
Recreation and Amusement, Indoor (other than listed)	C	1 per 4 seats; or if no seats; 1 space per 150 sf. of GFA	Sec. 28-2-16
Conference and convention center	C	1 per 4 seats or 1 per 30 sf. if no permanent seats	Sec. 28-2-16
Health and fitness club	C	1 per 400 sf. of GFA	Sec. 28-2-16
Massage Parlor	C	1 per 400 sf. of GFA	Sec. 28-2-16
Retail and Service			
Convenience Store without gas pumps	P	1 per 400 sf. of GFA	—
Drug Store	P	1 per 400 sf. of GFA	—
Dry Cleaning Establishment	P	1 per 500 sf. of GFA	—
Hemp and Cannabinoid Sales, including Smoke Shop	S	1 per 250 sf of GFA	—
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area			

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Section 5. Table 28-2-13-2 of the Fulshear Code is hereby amended to read as follows:

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Table 28-2-13-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	Use Type	Minimum Spaces	Cross-Reference
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses			
Residential			
Single-Family Detached Dwelling	C	2 per dwelling unit	—
Patio Home	C	2 per dwelling unit	—
Single Family Attached Dwelling (duplex, twin home)	C	2 per dwelling unit	—

Townhome	C	1.5 per dwelling unit	—
Apartment	C	1.5 per dwelling unit	Sec. 28-2-16
Commercial and Mixed-Use			
Alcoholic Beverage Sales, On- or Off-site Consumption	C	1 per 100 sf. GFA	Sec. 28-2-16
Dry Cleaning Establishment	C	1 per 500 sf. of GFA	—
Gas Station	S	1 per 600 sf. including service bays, wash tunnels, and retail areas	Sec. 28-2-17
Grocery/Retail	C	1 per 400 sf. of GFA	Sec. 28-2-16
Hemp and Cannabinoid Sales, including Smoke Shop	S	1 per 250 sf. of GFA	—
Hotel Full Service or Inn	P	.8 per guest room + 1 per 600 SF public meeting area and restaurant space	—
Mixed-Use	P	Refer to the highest requirement of all of the uses within the proposed development	—
Massage Parlor	C	1 per 400 sf. of GFA	Sec. 28-2-16
Restaurant, Brewpub, Winery or Distillery	C	1 per 150 sf. GFA	—
Mobile Vendor / Food Truck	C	—	Sec. 28-2-16
Mobile Vending / Food Truck Park	S	—	Sec. 28-2-17
Restaurant, Dine-In, no Drive-Thru	P	1 per 250 sf. of GFA	—
Restaurant, Drive-Through	C	1 per 250 sf GFA	Sec. 28-2-16
Office and Professional			
Bank, or Credit Union and Financial Services without Drive-Through	P	1 per 300 sf. GFA	—
Medical Office / Clinic, Labs, Urgent Care Center	P	1 per 500 sf. GFA	—
Office, General	P	1 per 400 sf. of GFA	—
Veterinary Clinic, Small Animal	C	1 per 600 sf. GFA	Sec. 28-2-16
Public, Institutional, and Utility			

Art Gallery/Museum	P	N/A	—
Assisted Living or Nursing Home	C	0.3 per bed + 0.75 per employee	—
Day Care Center	C	1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee +1 per 10 students	—
Government Office (Library, Post Office, Administration)	P	1 per 400 sf. GFA	—
Government Service (Police, Fire, EMS)	C	1 per 300 sf. GFA	Sec. 28-2-16
Parks and Outdoor Recreation, Noncommercial	P	2 per 1 acre; minimum of 10 spaces	—
Place of Assembly, Indoor	C	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	Sec. 28-2-16
Recreation and Commercial Amusement, Outdoor	C	1 per 6 seats or 1 per 30 sf. if no permanent seats	Sec. 28-2-16
Recreation and Commercial Amusement, Indoor	C	1 per 4 seats; or if no seats; 1 space per 150 sf. of GFA	Sec. 28-2-16

TABLE NOTES: sf. = square feet; GFA = Gross Floor Area

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Section 6. Table 28-2-14-2 of the Fulshear Code is hereby amended to read as follows:

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Table 28-2-14-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	Use Type	Minimum Spaces	Maximum Spaces	Cross Reference
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses				
Automotive				
Automobile, Motorcycle, and Farming Vehicle Rental ¹	P	1 per 500 sf. GFA	1 per 200 sf. GFA	—
Automobile / Motorcycle Parts and Accessories Sales	P	1 per 500 sf. GFA	1 per 200 sf. GFA	—
Automobile / Vehicle Wash	P	1 per 4 bays for self-service washes; 1 per unattended automated wash; 5 per attended wash with detailing	1 per 2 bays for self-service washes; 2 per unattended automated wash; 8 per attended wash with detailing	—

		services	services	
Automobile / Motorcycle Repair, Light	P	3 per vehicle bay	5 per vehicle bay	—
Gas Station	P	1 per 400 SF GFA	1 per 200 SF GFA	—
Alcoholic Beverage Sales, Off-Site Consumption	C	1 per 400 sf.	1 per 200 sf. GFA	Sec. 28-2-16
Alcoholic Beverage Sales, On-Site Consumption	C	1 per 200 sf.	1 per 100 sf. GFA	Sec. 28-2-16
Hotel, Full Service and Hotel, Residence	C	.8 per guest room + 1 per 600 sf. public meeting area and restaurant space	1 per guest room + 1 per 400 sf. public meeting area and restaurant space	Sec. 28-2-16
Restaurant, Brewpub, Winery or Distillery	C	1 per 150 SF GFA	1 per 75 sf. GFA	Sec. 28-2-16
Restaurant, Dine-In	P	1 per 200 SF GFA	1 per 100 sf. GFA	—
Restaurant, Drive-Through	C	1 per 250 SF GFA	1 per space 150 SF GFA	Sec. 28-2-16
Mobile Vendor / Food Truck	C			Sec. 28-2-16
Mobile Vending / Food Truck Park	S	—	—	Sec. 28-2-17
Office and Professional				
Bank, or Credit Union, and Financial Services with Drive-Through	C	1 per 450 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16
Bank, or Credit Union, and Financial Services without Drive-Through	P	1 per 450 sf. GFA	1 per 250 sf. GFA	—
Hospital	P	.5 per bed + 1 per full- and part-time employee	1 per bed + 1.5 per full- and part-time employee	—
Medical Office / Clinic, Labs, and Urgent Care Center	P	1 per 500 sf. GFA	1 per 250 sf. GFA	—
Office, General	P	1 per 400 sf. GFA	1 per 250 sf. GFA	—
Research Laboratory	P	1 per 1,000 sf. GFA	1 per 300 sf. GFA	—
Public, Institutional, and Utility				
Adult Day Care Center	P	1 per 600 sf. of GFA	1 per 250 sf. of GFA	—
Airport/Heliport	S	See Sec. 28-3-19, Special Studies		—
Art Gallery/Museum	P	N/A	1 per 350 sf. of GFA	—

Assisted Living or Nursing Home	P	0.3 per bed + 0.75 per employee	1 per bed + 1 per employee	—
Cemetery/Funeral Services	S	NA	NA	—
Day Care Center	P	1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students	1 per employee + 1 per 5 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 8 students	—
Government Office (Post Office, Administration)	P	1 per 400 sf. GFA	1 per 150 sf. GFA	—
Governmental Service (Police, Fire, EMS)	P	1 per 300 sf. GFA	1 per 150 sf. GFA	—
Library	P	1 per 1,000 sf.	1 per 300 sf. of GFA	—
Park and Outdoor Recreation, Non-Commercial	P	2 per 1 acre; minimum of 10	5 per 1 acre; minimum of 10	—
Place of Assembly, Indoor	P	Greater of: 1 space per 350 sf. or 1 per 4 seats in the assembly area	Greater of: 1 per 200 sf. or 1 per 3 seats in the assembly area	—
School, High or Vocational	P	1 per employee + 1 per four students	1 employee + 1 per two students	—
School, Primary	P	1 per employee + 1 per five students	1 employee + 1 per three students	—
Water Storage Facility	C	1 per employee on largest shift	0.75 per employee on largest shift	Sec. 28-2-16
Wireless Communications Tower	S	1 per tower	3 per tower	See Chapter 8, Article VI of City's Code of Ordinances
Recreation and Amusement				
Amphitheater or Outdoor Performance Venue	C	1 per 6 seats or 1 per 50 sf. if no permanent seats	1 per 4 seats or 1 per 30 sf. if no permanent seats	Sec. 28-2-16
Conference and Convention Center	C	See Sec. 28-3-19, Special Studies		Sec. 28-2-16
Driving Range, Freestanding	C	1 per 3 pads or 1 per 300 sf. of play area if no pads	1 per 1 pad or 1 per 100 sf. of play area if no pads	Sec. 28-2-16
Golf Course	C	5 per hole	10 per hole	Sec. 28-2-16
Health and Fitness Club	C	1 per 400 sf.	1 per 200 sf.	Sec. 28-2-16

Massage Parlor	C	1 per 400 sf.	1 per 200 sf.	Sec. 28-2-16
Recreation and Amusement, Indoor (other than listed)	C	1 per 6 seats or 1.5 per 450 sf. of GFA if no permanent seats	1 per 4 seats or 1.5 per 150 sf. of GFA if no permanent seats	Sec. 28-2-16
Recreation and Amusement, Outdoor (other than listed)	C	1 per 1,000 sf. outdoor recreation area	1 per 500 sf. outdoor recreation area	Sec. 28-2-16
Shooting or Archery Range, Indoor	C	1 per 3 bays or 1 per 100 sf. of firing area if no pads	1 per pad or 1 per 100 sf. of firing area if no pads	Sec. 28-2-16
Retail and Service				
Department Store	P	1 per 500 sf. of GFA	1 per 200 sf. of GFA	—
Dry Cleaning Establishment	P	1 per 500 sf. GFA	1 per 200 sf. GFA	—
Greenhouse/Nursery	C	1 per 500 sf. of retail area	1 per 200 sf. of retail area	Sec. 28-2-16
Hardware Store	P	1 per 500 sf. of GFA	1 per 200 sf. of GFA	—
Hemp and Cannabinoid Sales, including Smoke Shop	S	1 per 250 sf. of GFA	1 per 150 sf. GFA	—
Home Furnishing Store	P	1 per 1,000 sf. of GFA	1 per 500 sf. GFA	—
Kennel/Animal Shelter	C	1 per 600 sf. of GFA	1 per 200 sf. of GFA	Sec. 28-2-16
Lumber Yard	C	1 per 500 sf. of GFA	1 per 300 sf. of GFA	Sec. 28-2-16
Grocery/Retail	P	1 per 400 sf. of GFA	1 per 200 sf. GFA	—
Shopping Center	P	1 per 350 sf. of GFA	1 per 200 sf. GFA	—
Veterinary Clinic, Small Animal	P	1 per 600 sf. of GFA	1 per 300 sf. GFA	—
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area ¹ Does not include a parking space for each rental vehicle.				

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Section 7. Table 28-2-15-2 of the Fulshear Code is hereby amended to read as follows:

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Table 28-2-15-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	Use Type	Minimum Spaces	Cross Reference
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses			
Automobile			

Automobile/Motorcycle Parts and Accessories Sales	P	1 per 500 sf. GFA	—
Auto Body Repair	P	3 per vehicle bay	—
Gas Station	P	1 per 600 sf. including service bays, wash tunnels, and retail areas	—
Mobile Vendor / Food Truck	C	—	Sec. 28-2-16
Mobile Vending / Food Truck Park	S	—	Sec. 28-2-17
Contractor's Shop and/or Service Yard	P	1 per 500 sf. of GFA and/or storage yard	—
Drill Site	S	1 per employee on the largest shift	Sec. 28-2-17
Heavy Machinery Sales and Rentals	C	1 per 250 sf. of GFA + 1 per 1,000 sf. of outdoor sales or display area	Sec. 28-2-16
Junkyard, Salvage Yard, and Wrecking Yard	S	1 per 10,000 sf. of GFA of the storage yard	Sec. 28-2-17
Landfill	S	1 per employee on the largest shift	Sec. 28-2-17
Manufacturing, Heavy	S	1 per employee on the largest shift	Sec. 28-2-17
Manufacturing, Light	P	1 per employee on the largest shift	—
Warehousing and Storage	P	1 per 500 sf. of office area plus 1 space per 12,000 sf. of warehouse/storage	—
Office and Professional			
Medical Lab	P	1 per 300 sf. of GFA	—
Office, General	C	1 per 300 sf. of GFA	—
Public, Institutional, and Utility			
Governmental Service (Police, Fire, EMS)	P	1 per 300 sf. GFA	—
Park and Outdoor Recreation, Non-Commercial	P	1 per 2 acres; minimum of 10	—
Passenger Terminal	P	1 per 400 sf. of GFA	—
Place of Assembly, Indoor	P	1 per 350 sf. or 1 per 4 seats in the assembly area, whichever is greater	—

Power Generation, Transmission, and Distribution (includes large solar collectors and windmills)	S	1 per employee on the largest shift	Sec. 28-2-17
School, High or Vocational	C	1 per employee + 1 per four students	Sec. 28-2-16
Water and/or Sewage Treatment Plant	P	1 per employee on the largest shift	—
Water Storage Facility	C	1 per employee on the largest shift	Sec. 28-2-16
Wireless Communications Tower	S	1 per tower	See Chapter 8, Article VI of City's Code of Ordinances
Recreation and Amusement			
Gambling/Gaming Facility	C	1 per 250 sf. of GFA	Sec. 28-2-16
Sexually Oriented Business	S	1 per 250 sf. of GFA	Sec. 28-2-18
Retail and Service			
Alternative Financial Service	C	1 per 250 sf. of GFA	Sec. 28-2-16
Hemp and Cannabinoid Sales, including Smoke Shop	S	1 per 250 sf. of GFA	Sec. 28-2-17
Lumber Yard	C	1 per 500 sf. of GFA	Sec. 28-2-16
Pawn Shop	C	1 per 250 sf. of GFA	Sec. 28-2-16
Psychic, Tarot, and Palm Reader Services	C	1 per 250 sf. of GFA	Sec. 28-2-16
Tattoo Parlor and Body Piercing Establishments	C	1 per 250 sf. of GFA	Sec. 28-2-16
Veterinary Clinic, Large Animal	C	1 per 600 sf. of GFA	Sec. 28-2-16
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area			

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Section 8. Section. 28-2-16(f)(13) of the Fulshear Code is hereby deleted and Section 28-2-16(f)(14)–(28) are hereby renumbered accordingly, being amended to read as follows:

”

(13) *Lumber yard.*

- a. Direct vehicular access shall be provided from a collector or arterial street or highway;
- b. The use shall be located such that truck traffic can access the use without traveling on public right-of-way within or adjacent to any residential district or use, or adjacent to any park or recreational area or facility.

- c. Outdoor storage areas shall:
 - i. Be limited to no more than 30 percent of the gross floor area of the principal building;
 - ii. Be located in the side or rear yard, provided they do not abut a residential district or use;
 - iii. Be used only for the storage of lumber and associated materials and not for storage of solid or liquid waste, inoperable machinery or vehicles, or materials that generate dust or attract pests;
 - iv. Be on an improved hard surface (including crushed granite);
 - v. Be enclosed by an approved fence or wall (see section 28-3-19, fences and walls) with a minimum height equal to that of the stored and/or displayed materials and not exceeding the height of the principal building; and
 - vi. Not reduce the required minimum parking required. (See division III-2, parking, loading, and access).
 - d. The use shall be surrounded by a type B bufferyard. (See section 28-3-27, bufferyards).
- (14) *Massage parlor.* Each facility established after the effective date of this ordinance must meet the following (unless the use is exempt per V.T.C.A., Texas Occupations Code § 455.155):
- a. The use may only operate between the hours of 8:00 a.m. to 10:00 p.m. each day;
 - b. Outside windows of a massage establishment shall be transparent and the view from the outside into the lobby or waiting area shall be unobstructed;
 - c. All doors shall remain unlocked during the normal business hours;
 - d. At no time shall a massage establishment provide a residence or dwelling to accompany this occupancy; and
 - e. Licenses issued by the state for the establishment and the people working in it who are required to have a state license must be displayed and easily viewable with the lobby or waiting area.
- (15) *Office, general; medical clinics, offices, and labs; and urgent care centers.* In the SC district, the gross floor area of the principal use shall not exceed 17,000 square feet.
- (16) *Hotel, full service and hotel, residence.* All hotels shall meet the following minimum standards:
- a. Incorporate an attached, covered, drive-through area adjacent to the main building entry and lobby area for the temporary parking of vehicles during guest check-in and check-out. However, if the use is located within the Downtown District, then the drive-through is not required; but, if included, may not negatively affect the streetscape or pedestrian scale of the Downtown District.

- b. Hotels shall be located on a site of no less than three acres; and
- c. Management staff shall be on-site for 24 hours a day, seven days a week;
- d. Hotels that provide direct access to guest rooms from exterior doorways are prohibited;
- e. All guest rooms are accessed from an interior corridor which is accessible primarily from an interior lobby area, and no guest room has any direct exterior doorway;
- f. Outdoor swimming pool areas and outdoor sports courts shall be screened from ground-level public view from any public street right-of-way, public plaza/space, public parking area, and area of residential use through a combination of these facility's location on the site relative to the hotel buildings and the following:
 - i. Installation of permanent screening walls designed in accordance with standards established in subsection 28-3-28(d), nonresidential and multifamily uses and constructed with materials and colors that match or are consistent with the design of the principal building; or
 - ii. A type A bufferyard shall be required around the perimeter of the outdoor swimming pool facility.
- g. All hotels shall include a minimum of three of the following amenities:
 - i. Meeting rooms of at least 1,000 square feet;
 - ii. Designated areas for the service of continental breakfast;
 - iii. Full-service restaurant available to both hotel guests and other patrons with a minimum capacity of 50 seats.
 - iv. Full-service spa facility;
 - v. Combination indoor/outdoor swimming pool;
 - vi. Indoor swimming pool;
 - vii. Outdoor swimming pool;
 - viii. Fitness center/weight room; or
 - ix. Outdoor landscaped seating and gathering area for guest use with amenities such as:
 - a) Fountains or other water features;
 - b) Outdoor fireplaces or fire pits;
 - c) Gazebo or other space for wedding or group photographs; or
 - d) Other amenities conducive to guest leisure during a hotel stay.
- h. All uses defined as hotel, residence in section 28-9-3, land use definitions, shall also include self-service laundry facilities on-site for guest use.

- i. Uses defined as hotel, full service in section 28-9-3, land use definitions, shall not equip more than five percent of the total guest rooms with cooking equipment except for a microwave oven.
- (17) *Pawn shop*. The use:
- a. Shall not be located on a site that is within:
 - i. 1,000 feet of a site that contains another tobacco specialty store use;
 - ii. 200 feet of a property in a district in which a residential use is allowed or located;
 - iii. 300 feet of a place of assembly, school, or hospital; and
 - iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.
 - b. Shall only be located within a freestanding structure and may not be co-located in the same structure with other uses.
- (18) *Private club*. Shall not be located on a site that is within:
- a. 1,000 feet of a site that contains another private club use;
 - b. 200 feet of a property in a district in which a residential use is allowed or located;
 - c. 500 feet of the right-of-way of FM 359; or
 - d. A freestanding structure and may not be co-located in the same structure with other uses.
- (19) *Psychic, tarot, and palm reader services*. The use:
- a. Shall not be located on a site that is within:
 - i. 1,000 feet of a site that contains another psychic services use;
 - ii. 200 feet of a property in a district in which a residential use is allowed or located;
 - iii. 300 feet of a place of assembly, school, or hospital; and
 - iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.
 - b. Shall only be located within a freestanding structure and may not be co-located in the same structure with other uses.
- (20) *Recreation and commercial amusement, indoor*. If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 p.m. and 6:00 a.m.
- (21) *Recreation and commercial amusement, outdoor*.
- a. Amphitheater stages and drive-in screens shall face away from the nearest residential uses; and

- b. If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 p.m. and 6:00 a.m.

(22) *Restaurant, drive-through.*

- a. The drive-through shall not be located within the front yard;
- b. Ordering stations facing abutting residentially zoned or used property shall be buffered with a type B bufferyard (See section 28-3-27, bufferyards), and ordering stations shall not be located in the front yard of the restaurant or between the entry way and street;
- c. Each service window or station, human or mechanical, shall provide a minimum of five stacking spaces; and
- d. Stacking spaces shall measure eight feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- e. In the Downtown District, ordering stations and drive-through locations, including all lanes, shall be allowed only in the rear of the building or in an alley, if applicable, and shall not impair the pedestrian nature of the Downtown District by adding unnecessary curb cuts or other elements that are generally unsafe for pedestrians or that would otherwise negatively affect the walkable nature of the Downtown District.

(23) *Restaurant, brewpub, winery or distillery.*

- a. The requirements of subsection (f)(1) of this section, alcoholic beverage sales, on- or off-site consumption, shall apply if alcoholic beverages are to be served;
- b. No outdoor storage is allowed on-site;
- c. All beverage production activities shall be located within a completely enclosed building, and, in the DD district, designed with noise-resistant materials;
- d. All by-products or waste from production of beverages shall be disposed of off-site;
- e. Loading docks and service doors shall not be oriented or face a residentially zoned or used property; and
- f. The use shall be separated from residential districts and uses by a type B bufferyard. (See section 28-3-27, bufferyards)

(24) *Shooting or archery range, indoor.* If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 p.m. and 6:00 a.m.

(25) *Tattoo parlors and body piercing establishments.* The use within:

- a. Shall not be located on a site (as either a primary or accessory use) that is:
 - i. 1,000 feet of a site that contains tattoo parlor and body piercing establishment;

- ii. 200 feet of a property in a district in which a residential use is allowed or located;
 - iii. 300 feet of a place of assembly, school, or hospital; and
 - iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.
- b. Shall only be located within a freestanding structure and may not be co-located in the same structure with other uses.
- (26) *Veterinary Clinic, Small Animal.* Small animal veterinary clinics in the Downtown District shall not have any outdoor kennels; and, if in a multi-tenant building, shall have a ventilation system to control odors and allergens and to prevent circulation into other parts of the building.
- (27) *Dry Cleaning Establishments in the Downtown District (DD).* Dry cleaning establishments in the Downtown District shall not have a drive-through."

Section 9. Section 28-2-16(f) of the Fulshear Code is hereby amended by adding a new subpart (28) thereto to read as follows:

- "(28) *Mobile Vending/ Food Trucks.* The use:
- a. shall not be located in between a public right-of-way and the primary entrance of any other commercial business;
 - b. shall be served by a restroom facility, with written authorization given by the owner of the facility if necessary;
 - c. shall have received an approved City of Fulshear health permit
 - d. shall vacate the site while closed for business."

Section 10. Section 28-3-2(j)(4) of the Fulshear Code is hereby amended to read as follows:

- "(4) The enclosures shall:
- a. Have opaque metal service gates which remain closed at all times except when the dumpster is being serviced;
 - b. Include separate, opaque metal pedestrian access gates or a pedestrian access opening that screens the dumpster from view;
 - c. Be large enough to accommodate:
 - i. One or more dumpsters that are of sufficient size to serve the development, based on the frequency of solid waste collection; and
 - ii. One or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection;

- d. Meet city engineering design standards, including those that pertain to maneuvering space; and
- e. Be generally situated to ensure that the gate to the enclosure does not impede vehicular traffic when open, whether partially or fully."

Section 11. Section 28-3-2 of the Fulshear Code is hereby amended by adding new subparts (k), (l), and (m) thereto to read as follows:

"(k) *Natural management of stormwater.* All new commercial, office, multi-family, and other non-residential developments shall include at least one of the following low-impact development features in order to promote natural management of stormwater:

- (1) A minimum of 20% of all parking surface shall be permeable;
- (2) A stormwater cistern capturing a minimum of 50% of the roof's stormwater, provided:
 - a. the aesthetic of an above-ground cistern shall compliment the design and scheme of the principle structure;
 - b. An above-ground cistern shall be landscaped;
 - c. Cisterns used for rainwater collection purposes shall be placed at least 10' away from sanitary sewer lines; and
 - d. If the Cistern is made of a fiberglass construction or does not complement or match the principle structure, then it shall be screened from public view; or

(3) A green roof such as solar panels or vegetation with a waterproof membrane in addition to a minimum of 50% of all site landscaping consisting of bioswales, rain gardens, or bioretention gardens(l) *Cisterns for fire suppression.* The aesthetics of a cistern being used for fire suppression shall comply with the standards found in 28-3-2 (k).

(m) *Height exceptions.* A chimney, cupola, spire, belfry, parapet or other similar architectural features are exempt from maximum height standards in order to promote visually appealing structures."

Section 12. Section 28-3-6(f) of the Fulshear Code is hereby amended to read as follows:

"(f) *Building articulation.*

- (1) *Major building articulation.* Buildings less than 15,000 sq. ft. shall be articulated using two or more different elements of the following major articulation design techniques uniformly over the entire building façade:
 - a. A step back of upper floors to create human-scale and to reduce building scale and mass;

- b. Increased setbacks for up to 30 percent of a street elevation to create public space; (public space may include outdoor seating/dining areas, pocket parks, fountains and/or water features, children's play areas, or similar space open to the public);
 - c. Variations in building heights for a minimum of 30 percent of the building façade;
 - d. Building insets or projections of at least two feet that extend the full height of the building for a minimum of 30 percent of the building façade;
 - e. Material changes for different building planes or elements;
- (2) *Minor building articulation.* Buildings less than 15,000 sq. ft. shall be articulated using five or more different elements of the following minor articulation design techniques uniformly over the entire building façade:
- a. Windows or faux window openings;
 - b. Doors or faux door openings;
 - c. Recessed or projecting building entries;
 - d. Projecting bay windows;
 - e. Window moldings;
 - f. Arcades;
 - g. Recessed or projecting porches;
 - h. Recessed or projecting balconies;
 - i. Functional or decorative canopies and awnings;
 - j. Cornices;
 - k. String courses;
 - l. Columns;
 - m. Wall sconces;
 - n. Brick patterning, including soldier courses, or other building material or color variations;
 - o. Score lines;
 - p. Accents through the use of moldings, sills, cornices, canopies, or spandrels; or
 - q. Any other architectural feature which adds visual interest to the building."

Section 13. Section 28-3-8(a) of the Fulshear Code is hereby amended to read as follows:

"(a) *Generally.* If the standards regulating non-residential buildings are more strict than those found in Section 28-3-6 then the standards of the stricter section shall apply "

Section 14. Section 28-3-8(b) of the Fulshear Code is hereby amended to read as follows:

“(b) Building requirements.

(1) Building form.

a. Retail and mixed-use buildings must provide for pedestrian-scale and orientation, as follows:

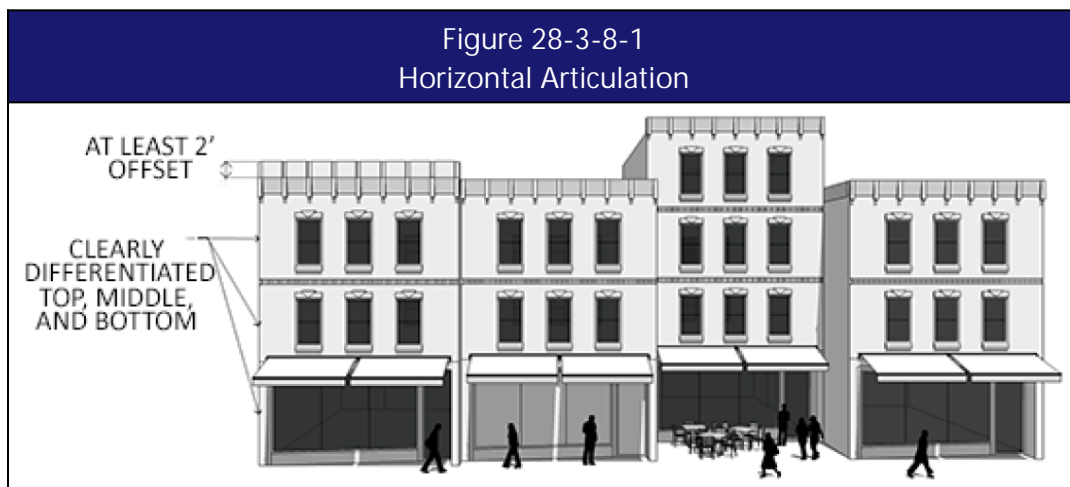
i. As set out in table 28-2-13-1, building standards, commercial and mixed-use buildings must be built to or within five feet of the property line or street right-of-way to define a pedestrian-oriented streetscape. When a new or redevelopment building site is designed for outdoor dining or a recessed plaza, the front setback may be increased by no more than 15 feet with approval of the ZBA.

ii. Buildings must utilize elements such as massing, windows, canopies, and articulated roof forms to create a visually distinct building base, middle, and top (See figure 28-3-8-1, horizontal articulation).

iii. Each building must include functional and identifiable public entrance(s) along the street frontage. The entrance must be emphasized by incorporating changes in mass, surface, or finish.

iv. Buildings located on corners of streets and public spaces must include special building features, such as towers, cupolas, pediments, chamfering, rounded corners, or balconies.

b. Residential building types must comply with the lot and building standards per table 28-2-13-1, building standards, as well as the relationship to the street as per figure 28-2-13-2, building frontage types.



(2) *Massing and scale of street frontages.* The public-facing façades of adjacent buildings must be architecturally differentiated by varying at least three of the following:

- a. Variations in building heights;
- b. Building insets or projections of at least two feet that extend the full height of the building;
- c. Material changes for different building planes or elements;
- d. Changes in color to accentuate horizontal or building elements;
- e. Accents through the use of moldings, sills, cornices, canopies, or spandrels; or
- f. Other façade features, such as an arcade, balcony, gallery, oriel or bay windows, pavilion, pergola, porches, porticos, terrace, tower, or vestibules.

(3) *Architectural details.*

- a. *Exterior lighting.* Exterior lighting must be an integral part of the architecture, sign, and landscape or hardscape design. Street lighting must be of a maximum height of 12 feet and consistent with the character of the district. Sidewalk lighting may be a maximum of three feet in height.
- b. *Street furniture.* Public seating, trash receptacles, and directional kiosks must be of uniform design and provided throughout district, approved by the Planning and Zoning Commission. Street trees, landscaping, weather protection, public art, street furniture, and other pedestrian amenities in public rights-of-way and plazas must provide a minimum passable sidewalk width of four feet.
- c. *Awnings, sunshades, and canopies.* Weather protection is required for pedestrian street frontages with ground floor commercial use. Weather protection elements must extend at least six feet from the building, may be no closer than two feet to a street curb and must have a minimum clearance of eight feet and a maximum height of 12 feet. Internally illuminated awnings are prohibited.

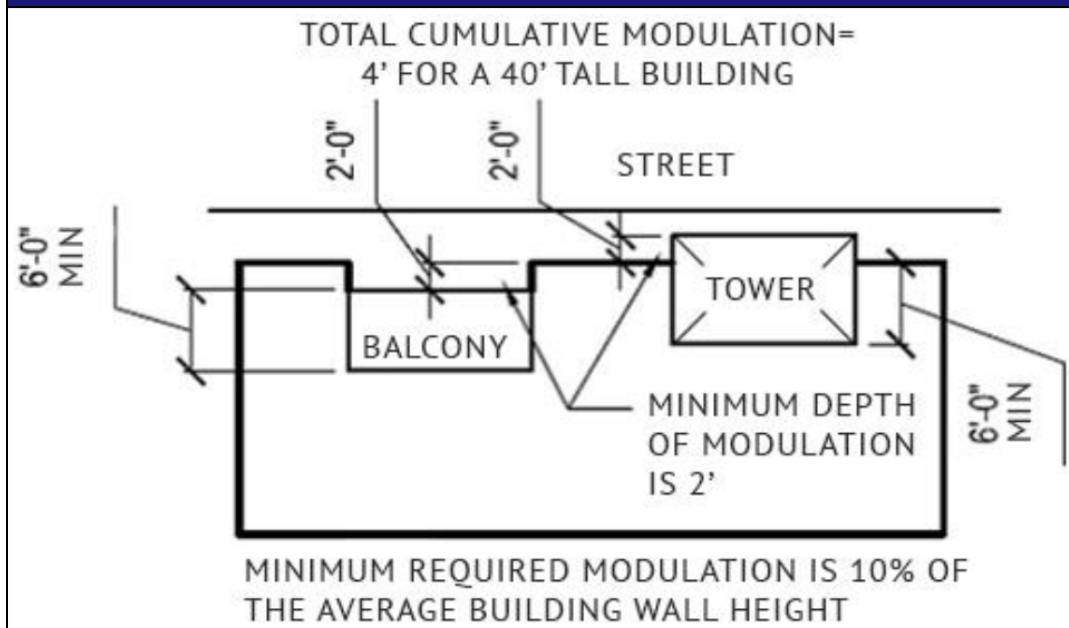
D. *Fenestration.*

- i. *Façades.* Any public-facing façade must incorporate fenestration. Fenestration patterns for street-level commercial uses must have a minimum 60 percent transparency between two feet and eight feet in height that allow views of indoor space or product display areas. Glass curtain walls, reflective glass, and painted or dark tinted glass are prohibited.
- ii. *Street visibility.* Upper and lower-story windows must be designed to overlook streets and public spaces to make these spaces comfortable and safe.
- iii. *Modulation.* The roof line of buildings must be modulated and include architectural features such as a decorative eave, trim, or cornice.
- iv. *Articulation.* Public-facing building façades must be articulated with projections or recesses that cumulatively equal 15 percent of the average

building wall height, with a minimum depth of two feet. Such variations will contribute to the building architecture, which may be expressed in any manner provided the cumulative relief is achieved, as shown in figure 28-3-8-2, building wall articulation. The base of buildings must be articulated through use of plinths, pilasters, or other elements.

Figure 28-3-8-2

Building Wall Articulation



- e. *Residential-only buildings.*
 - i. Buildings must have a primary entrance on the front façade.
 - ii. Covered front porches, stoops, or balconies are required on the street-facing façades of residential buildings.
 - iii. Two or more of the following architectural features must also be present: wall sconces, a cupola or other tower element, oriel or bay window, exterior window molding, pointed spires, pilasters, dormers, or some other feature which provides visual interest.
 - iv. New residential buildings shall have a slab foundation or pier and beam foundation no more than 30" above grade.
 - v. New or reconstructed buildings must be built to the setbacks set out in table 28-2-13-1, building standards; provided, however, the front setback may be the average of the dwellings along the block face, excluding the lot of the new building.

- vi Where a residential structure is setback 15 feet or more from the property line, a fence or wall is required on the boundary at a height of no more than 48" to demarcate the private from the public sphere and promote walkability.
- f. *Carports.* Carports in the Downtown District must be entirely hidden from public view."

Section 15. Section 28-3-8(e)(2) of the Fulshear Code is hereby amended to read as follows:

"(2) *Off-street.* Off-street surface parking may not front on any arterial street or highway, except for those properties that front FM 1093 and can fit parking within their required front setback. Given the character and pedestrian scale of the downtown, off-street parking is prohibited within a front and/or street side yard of any multiple-family, civic, institutional, commercial, mixed-use. If the parking surface is placed at the rear, then a fence or wall will be required only where the parking surface abuts a public right-of-way, excluding alleys.

- a. When any type of permit or approval is sought for a property with existing surface parking, the lot must be improved by:
 - i. A five-foot pervious planting strip adjacent to all streets and vehicular use areas that meets the screening requirements in figure 28-3-8-3, sidewalk cross section; or
 - ii. Construct a three-foot tall fence or wall to screen the parking lot edge; and
 - iii. Provide landscaped parking islands in conformance with figure 28-3-8-3, sidewalk cross section.
- b. Surface lots may only be accessed from a local street or alley. Such parking shall be arranged in individual lots of no more than 60 spaces, interconnected with alleys or drives. Each lot must be landscaped per the standards set out in section 28-2-13, downtown (DD)."

Section 16. Section 28-3-21(a) of the Fulshear Code is hereby amended to read as follows:


"(a) *Generally.* Where bicycle parking is provided, this section applies. In commercial and multi-family developments with 50 or more parking spaces for motor vehicles required, bicycle parking is also required, in accordance with this subsection. There shall be parking for 5 bicycles if there are 50 to less than 100 motor vehicle spaces required, parking for 10 bicycles if there are 100 to less than 150 motor vehicle spaces required, and parking for 15 bicycles if there are 150 or more motor vehicle spaces required."

Section 17. Table 28-3-33-1 of the Fulshear Code is hereby amended to read as follows:



"

Table 28-3-33-1

Permitted Freestanding Sign Types

Sign Type and Limitations	Zoning District								Illustrative Sign Example(s)
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ		
" - " = Prohibited — ft. = feet — sf. = Square Feet — DW = Down Lighting — EX = External Lighting — IN = Internal Lighting									
Monument Sign									
Number of Signs for residential uses	1 per subdivision entrance	-				-		1 per subdivision entrance	
Number of Signs Permitted for properties with one to nine businesses	1 per property					1 per property (along FM 1093)	-		
Number of Signs Permitted for properties with 10 or more businesses	-	2, provided that the property has a minimum of 350 ft. of public street frontage				-	-		
Maximum Sign Area	72 sf.	72 sf.				40 sf(along FM 1093)	72 sf.		
Maximum Sign Height	6 ft.	10 ft.				7 ft.(along FM 1093)	6 ft.		
Maximum Sign Width	-	12 ft.				7 ft(along FM 1093)	12 ft.		
Minimum Setback	5 ft.	10 ft.				10 ft.(along FM 1093)	5 ft.		

Maximum Setback	5 ft.	10 ft.	10 ft.(along FM 1093)	10 ft.	
Minimum Sign Separation (separate lots)	-	50 ft.	50 ft		
Minimum Sign Separation (same lot)	-	100 ft.	-		
Changeable Copy Permitted	-	-	Yes	-	
Illumination Type	EX, IN	EX, IN	-	EX, IN	
Other Standards	Permitted monument signs shall conform to the following: 1. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure.				
	2. Decorative caps are permitted for each monument sign and shall not be included as part of the height calculation for that sign. All decorative caps shall not exceed the following maximum standards:				
	a. A maximum of two feet in height above the permitted monument sign height;				
	b. Extend beyond the permitted width of a sign by more than one foot on each side;				
	c. Are used for purely ornamental purposes; and				
	d. Constructed of materials identical to or similar to the construction materials used in the construction of the sign.				
	3. Changeable copy signs shall only comprise a maximum of 20 percent of the permitted sign area.				
	4. Monument signs permitted at the entrance of residential development shall only display the name of the residential development.				

	5. Shall be surrounded by a landscaped area that shall be made up of species found in Appendix C, be kept in healthy condition, and not block the text on the sign.				
Access Sign					
Number of Sign Permitted	-	1 per vehicle use area entrance and exit	-		
Maximum Sign Area	-	4 sf.	-		
Maximum Height	-	4 ft.	-		
Minimum Setback	-	3 ft.	-		
Illumination Type	-	-	-		
Design Standards	1. Shall only display information that for circulation around the property. 2. May contain a small corporate logo or name of a business that shall not exceed two sf. and shall count as part of the maximum permitted sign area.				
Directory Sign					
Number of Signs Permitted	-	1 per property with a multi-tenant building	1 per property (along FM 1093)	-	
Maximum Sign Area	-	2 sf. per linear foot of street frontage or 100 sf. whichever is smaller	40 sf (property along FM 1093)	-	
Maximum Height	-	8 ft.	7 feet (property along FM 1093)	-	

Minimum Setback	-	10 ft.	7 feet (property along FM 1093)	-	
Illumination Type	-	EX, IN	-	-	
Other Standards	1. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure.				
	2. Shall not contain any logos or marketing material related to the businesses or activities shown on the sign.				

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Section 18. Section 28-3-33 of the Fulshear Code is hereby amended by adding a new subpart (h) to read as follows:

“(h) *Roundabout signs.* Signs placed within the public right-of-way of a roundabout shall be permitted, provided they are confined to the interior of a curbed island and provided the following required conditions are met:

- (1) *Landscaping.* There shall be established a 6’ wide perimeter landscape buffer between the sign and the back of curb, provided that there are no visual obstructions above a 2’ maximum height within the buffer.
- (2) *Lettering height.* The maximum height locations for lettering on a monument structure is 6’ above apron paving and the lettering itself shall not exceed 24” in height.
- (3) *Lettering lighting.* All lettering and signage shall be backlit.
- (4) *Monument height.* The monument structure within the roundabout and which the signage or letter may be affixed to shall not exceed 30’ in height.”

Section 19. Section 28-4-5(l) of the Fulshear Code is hereby amended by adding new subparts (7) and (8) thereto, to read as follows:

“(7) *Street name length.* Street names shall not exceed a length of 20 characters for major thoroughfares and collectors, and 15 characters for all other streets.”

(8) *Street name approval.* All street names proposed may be changed at the request of the Planning and Zoning Commission and City Council during the platting process. Generally, all streets shall be tied to a proper sense of place either by relating to the history of Fulshear, someone who has had a positive impact on the Fulshear community, the geographic area or a geographic feature local to Fulshear, or an event or activity that has had an impact on the community. Furthermore, street names containing words considered overused and a possible source of confusion shall be avoided.”

Section 20. Section 28-4-5 of the Fulshear Code is hereby amended by adding new subsections (n) and (o) thereto, to read as follows:

“(n) *Fencing.* To avoid a canyon effect and to preserve a sense of openness, fencing shall meet the following requirements:

- (1) walls, fences, or walls and fences, may not front both sides of a street unless a 30’ landscape buffer with canopy trees planted every 35 feet is provided to soften its appearance.
- (2) Wooden fences shall be avoided along the public facing exterior of master planned communities, and along roads designated on the Major Thoroughfare Plan unless it is generally screened from view.

(o) *Fire Access.* All multi-family or residential developments which have gates shall require such gates to be able to be opened remotely by the fire department in the event of an emergency in order to promote resident safety and support response time.”

Section 21. Table 28-4-10-1 of the Fulshear Code is hereby amended to read as follows:

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Table 28-4-10-1 Access Connection Guidelines			
Roadway classification	Local public streets and roads	High volume private driveway or private street	Low volume private street or driveway or alley
Expressway (freeway, tollway, etc.)	Connection for a local street is permitted if consistent with spacing for local streets Table 28-4-10-2, Local Street and Driveway Spacing subject to finding that a higher order road is not needed at that location. Coordinate median openings and signal spacing with the City Engineer and the Administrator	Connection generally not permitted; may be permitted in-lieu of local public street on one leg of an intersection if consistent with spacing for local streets and subject to finding that a public street is not needed	Connection not permitted except on interim basis where no feasible alternative access exists; approval of interim access must include agreement for removal of access when local street system is completed or alternate access becomes available
Major thoroughfare	Connection permitted, but shall be in a location	Connection permitted, but shall be in locations consistent with the	Connection not permitted if alternative access is available. If no feasible

	consistent with guidelines for divided road median openings and subject to the finding that major road is not needed at the location	guidelines for divided road median openings and subject to the finding that a public road is not needed at the location	alternative exists, consider approval of one access connection that will serve multiple properties through a joint/shared access to ensure consistency with spacing requirements
Arterial	Connection for a local public street is permitted if consistent with spacing for local streets Table 28-4-10-2, Local Street and Driveway Spacing	Require access to lower level road, if available; otherwise one access per parcel subject to driveway spacing in Table 28-4-10-2, Local Street and Driveway Spacing and corner clearance in Table 28-4-10-3, Corner Clearance Standards. If lot frontage is less than the required minimum spacing, consider joint/shared access	Same criteria as for high volume private driveways or private streets
Primary collectors	Connection for a local public street is permitted if consistent with spacing for local streets Table 28-4-10-2, Local Street and Driveway Spacing	Access connections permitted if consistent with spacing requirements in Table 28-4-10-2, Local Street and Driveway Spacing and in Table 28-4-10-3, Corner Clearance Standards	One access per parcel is permitted subject to minimum spacing requirements in Table 28-4-10-2, Local Street and Driveway Spacing and in Table 28-4-10-3, Corner Clearance Standards
Residential local streets	Connection for a local public street is permitted if consistent with spacing for local streets Table 28-4-10-2, Local Street and Driveway Spacing	Access connections permitted if consistent with spacing requirements in Table 28-4-10-2, Local Street and Driveway Spacing and in Table 28-4-10-3, Corner Clearance Standards	One access per parcel subject to minimum property line spacing of 25 feet

Downtown District	Connection for a local public street is permitted if consistent with spacing for local streets Table 28-4-10-2, Local Street and Driveway Spacing	Driveways servicing Commercial and mixed-use developments within the downtown district shall be shared and split down the property line. Only one driveway shall be permitted along each side of a block, unless impractical as determined by the City Engineer and Administrator. The maximum width of a driveway shall be 16 feet where the driveway meets the public right-of-way.	Driveways servicing Commercial and mixed-use developments within the downtown district shall be shared and split down the property line. Only one driveway shall be permitted along each side of a block, unless impractical as determined by the City Engineer and Administrator. The maximum width of a driveway shall be 16 feet where the driveway meets the public right-of-way.
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Section 22. Section 28-4-11(a) of the Fulshear Code is hereby amended to read as follows:

"(a) *Generally.* Concrete sidewalks are required along both sides of all public and private streets and are to be completed concurrently with either adjacent public or private development."

Section 23. Section 28-4-12 of the Fulshear Code is hereby amended to read as follows:

"Sec. 28-4-12. – Construction standards.

(a) *Generally.* The intention of these standards is to define minimum requirements for street, utility, and drainage construction in new subdivisions within the jurisdiction of the city. These standards are supplementary to this division, including subsequent amendments. These standards may be updated from time to time in order to meet industry standard.

(b) *Grading permit.* A grading permit is required for any grading of two acres or more, or that alters the natural drainage flow or as part of any new construction. Prior to grading permit issuance, an application, permit fee, approved grading plan, and stormwater management plan must be on file. Additionally, at the discretion of the City Engineer, the applicant may be required to submit to the Fort Bend County Drainage District.

(c) *Street paving.* The following minimum standards apply to subdivision street paving:

(1) *Type.* Street paving shall be six inches of reinforced concrete surface with concrete curb and gutter.

- (2) *Pavement width.* The pavement width for streets shall be as follows:
- a. Major arterials and collectors shall be 44 feet to 64 feet between back of curbs.
 - b. Minor collectors shall be 38 feet to 44 feet between back of curbs.
 - c. Local streets shall be 28 feet to 32 feet between back of curbs.
- (3) *Cross-section.* A standard cross-section for a residential street is shown in the city's standard paving detail sheet, which is on file in the city secretary's office. Cross-sections for secondary and major streets shall be proportioned similarly. At intersections, curb return radius shall be 25 feet; at culs-de-sac, 45 feet.
- (4) *Concrete.* Concrete used for street paving shall meet the following minimum requirements:
- a. Reinforcing steel shall be constructed from:
 - i. *Material.* Open hearth new billet steel.
 - ii. *Yield strength.* 60,000 pounds per square inch (PSI), minimum.
 - iii. *Splices.* 24 bar diameters.
 - iv. *Bar size and spacing.* No. 4 bars at 24-inch centers, each way, minimum. Streets shall be designed based upon the subgrade and load use of street. Wire mesh is prohibited.
 - v. *Bar support.* Metal or plastic "chairs" shall be used to hold bars in position during placement of concrete.
 - b. Concrete mixture shall meet the following specifications:
 - i. Compressive strength shall be 3,000 PSI, minimum at 28 days.
 - ii. Slump shall be four and one-half inches maximum.
 - iii. Minimum cement factor shall be five bags per cubic yard.
 - c. *Cement.* Cement shall be type I (normal) Portland cement, or with city engineer's approval, type III (high early strength).
 - d. *Aggregate coarse and fine aggregate.* Aggregate coarse and fine aggregate shall meet the requirements of State Highway Department standard specification "Item 360" for concrete pavement.
 - e. *Jointing.* Jointing shall meet the following minimum requirements:
 - i. Expansion joints at intersections and at a minimum distance of 80 feet shall have sleeved load transmission dowels.
 - ii. Wood joints shall be comprised of sound heart redwood.
 - iii. Joint seals shall be made of type OA 90 asphalt or other types with approval.

f. *Curing.* The utilized curing method shall retain at least 97 percent of moisture at 24 hours, at least 95 percent at three days, and at least 91 percent at seven days American Society for Testing and Materials (ASTM) procedure C-5.

g. *Testing.* Concrete shall be tested by three cylinders every 100 cubic yards of concrete or portion thereof; testing lab is to be supplied by the developer.

h. *Placement.* Concrete shall not be placed on frozen subgrade; when air temperature is 38 degrees Fahrenheit or below; when air temperature is below 42 degrees Fahrenheit and declining; when finishing cannot be completed during natural daylight.

(5) *Subgrade.*

a. All subgrade shall be rolled by the appropriate rolling machinery.

b. Subgrade shall achieve at least 95 percent of maximum density (standard proctor density test).

c. Lime stabilization shall be required when plasticity index (PI) of subgrade soil exceeds 18.

d. Cement stabilization shall be required when low PI "spongy" or wet soils are present.

e. Subgrade shall not be allowed to dry before concrete or base is placed, nor shall concrete or base be placed on frozen subgrade.

f. Density tests shall be performed at 300 linear foot intervals, or closer when requested by the city engineer. Density tests shall be:

i. Staggered across the width of the pavement;

ii. At no point should density tests be taken in a straight line; and

iii. At least one density test must be taken on the outside edge of the pavement in culs-de-sac.

(d) *Sidewalks.* Sidewalks shall meet the following minimum standards:

(1) *Dimensions.*

a. *Width.* Sidewalks shall have a minimum width of five feet, zero inches, on curb and gutter streets, unless otherwise required to be wider pursuant to the Major Thoroughfare Plan.

b. *Thickness.* Sidewalks shall have a minimum thickness of zero feet, four inches.

(2) *Subgrade.* Subgrades shall consist of a minimum of two inches of compacted sand.

- (3) *Cross slope.* Cross slopes shall be a maximum of one-fourth-inch per foot, toward the curb. Slopes on sidewalks must be ADA compliant.
 - (4) *Reinforcing.* Reinforcing shall be #4 rebar at no greater than 24 inches cut-to-cut (C-C) supported by either chairs or concrete masonry unit (CMU) bricks. Wire mesh is prohibited.
 - (5) *Load transmission devices (dowels).* Load transmission devices shall be #4 rebar, 12 inches long, embedded six-inch either side of expansion joint, one end shall be sleeved. Set load transmission devices 12-inch C-C, maximum.
 - (6) *Expansion joints.* Expansion joints shall be spaced ten feet C-C and are to be sound heart redwood, three-quarter-inch thick with OA 90 asphalt or approved sealer.
 - (7) *Control joints.* Control joints shall be cut (one-quarter inch by one-half-inch) at no greater than five feet C-C spacing.
 - (8) *Location.* As shown on a standard detail sheet.
- (e) *Water system.* The following minimum standards apply to water system extensions within the city:
- (1) *Main lines.*
 - a. *Diameter.* The minimum diameter of all water mains shall be six inches.
 - b. *Depth.* The minimum depth of all water mains shall be 42 inches of cover below final grade.
 - c. *Material.* Water mains shall be constructed of C-900 polyvinyl chloride (PVC) DR18 or C-905 PVC DR-18 for pipe larger than 12 inches.
 - d. *Location.* The location shall be as shown on the standard detail sheet.
 - e. *Main lines.* Mains shall be looped with no dead-end serving more than four lots.
 - (2) *Valves.* Valves shall meet the following requirements:
 - a. *Locations.* Valves shall be set at:
 - i. *At tees.* Two valves shall be placed at all tees.
 - ii. *At crosses.* Three valves shall be placed at all crosses.
 - iii. *Water system connections.* One valve shall be placed at each connection to the existing water system.
 - b. *Type.* Valves shall be non-rising stem, O-rings seals, Mueller or Clow brand. Counter-clockwise opening, mechanical joint.
 - (3) *Fire hydrants.*
 - a. *Locations.* Fire hydrants shall be placed at:
 - i. Each street intersection and cul-de-sac end;

- ii. A maximum separation of 600 linear feet in single-family residential areas; and
 - iii. A maximum separation of 300 linear foot in commercial districts.
 - b. *Type.* Hydrants shall be Mueller brand, three-way five and one-fourth-inch barrel with four and one-half-inch steamer (pumper) nozzle and two two-and-one-half-inch hose nozzles and utilize a counter-clockwise opening, mechanical joint. Each fire hydrant shall have an individual gate valve (with an adjustable riser box) located within four feet of the fire hydrant.
- (4) *Fittings.*
- a. *Material.* Hydrants shall be constructed of a cast iron, cement-lined, mechanical joint. All fittings shall be thrust blocked with concrete. All fittings shall be wrapped with plastic or similar materials to prevent concrete from adhering to the mechanical joint connection components.
 - b. *Pressure rating.* Hydrants shall be rated to 250 PSI.
- (5) *Services.*
- a. *Corporation stops.* Corporation stops shall be a Mueller H-15000.
 - b. *Curb stops.* Curb stops shall be a Mueller H-15275, ending in an approved concreted or plastic meter box. (All boxes in new development are to be of the same materials.)
 - c. *Meter nipple.* The required meter nipple shall be a Mueller H-10890G.
 - d. *Pipe material.* Pipe material shall be a soft copper or polyurethane.
 - e. *Minimum service size.* See the minimum line size per rate schedule.
 - f. *Meter box.* A concrete or plastic meter box of appropriate size is required.
 - g. *Curbs.* All curbs shall be marked to indicate the location of the water services for each individual lot.
- (6) *Backfill.*
- a. *Under streets.* Water lines shall be wrapped with a six-inch layer of bank sand. The remainder of trench to be filled with 1.0 sack, 100 PSI per cubic yard cement stabilized sand, compacted to 95 percent proctor.
 - b. *Other locations.* Water lines shall be wrapped with a six-inch layer of bank sand. The remainder of trench to be filled using compacted native soil. Sandy soil must be water jetted; other soils may be compacted by rolling with a "caterpillar" tractor or similar method.
 - c. All trenches shall be compacted to 95 percent standard proctor.
- (f) *Sanitary sewer system.* All homes shall be connected to the city's central sanitary sewer system. The following minimum standards apply to sanitary sewer extensions with the city:

(1) *Main lines.*

- a. *Diameter.* Sanitary sewer lines shall have a minimum diameter of six inches.
- b. *Minimum depth.* The minimum depth of all sanitary sewer lines shall be four feet, zero inches. Exceptions may be made on depth with city public works director approval.
- c. *Material.* Sanitary sewer lines shall be constructed of the following:
 - i. Pipes shall be constructed out of standard dimension ratio (SDR) 26 PVC.
 - ii. Fittings shall be the same class as the pipe, with rubber gaskets.
- d. *Testing.* All sanitary sewer lines must be air-tested and pass deflection testing 30 days (or longer) after installation. The city reserves the right to require filming of any sewer installation, at the developer's expense.

(2) *Manholes.*

- a. *Size.* Manholes shall meet the following minimum size requirements:
 - i. Four feet, zero inches inside diameter.
 - ii. 32-inch diameter opening in cone section for access to the sanitary sewer for cleaning and maintenance. Manhole cover shall have the city tops (see detail sheet).
- b. *Spacing.* One manhole shall be located at 400 linear foot intervals and at changes in direction or size of the main line.
- c. *Material.* Sanitary sewer lines shall be constructed of the following:
 - i. Pre-cast concrete manhole meeting ASTM C478 (latest revision).
 - ii. Cast-in-place manholes shall be 4,000 PSI concrete with wall thickness of no less than five inches. The base shall be no less than 12 inches thick.
- d. *Pipe connection.* Each pipe connection to sanitary sewer manholes shall be made watertight by either:
 - i. Approved flexible connectors; or
 - ii. Watertight grout.
- e. *Bedding.* Bedding shall be made of cement stabilized sand (one and one sack per cubic yard). The minimum thickness shall be 12 inches and shall be compacted in a maximum of eight-inch lifts.
- f. *Manhole ring and lid.* The manhole ring and lid shall meet the following:
 - i. A 32-inch diameter cast iron ring using an approved sealant shall be installed.

ii. When installed in pavement the ring and cover shall be adjusted cover to grade. (The city may require infiltration prevention measures, to be decided on a case by case basis. If they are required, the developer must pay for them.)

iii. When installed in unpaved areas, the ring and cover shall be set at least six inches above surrounding grade, sloping grade away from the manhole.

iv. *Approved manhole lid.* All installed manhole lids shall have the city-approved top (see detail sheet).

g. *Backfill.* One sack per cubic yard of cement stabilized sand compacted in eight-inch lifts. The top three inches shall be uncompacted cement stabilized sand. Cement stabilized sand shall be brought up to within two-foot of top of manhole.

(3) *Services.*

a. *Minimum sizes.* All service lines shall have the following minimum sizes:

i. *Residential services.*

a) Single services shall be four inches.

b) Double services shall be six inches.

ii. Commercial services shall be six-inches minimum or as determined by the State of Texas State Plumbing Code.

b. *Material.* All services shall be constructed of Sch. 40 or SDR 26 PVC.

c. *Fittings required.* All fittings shall be wye, bend, and plug.

d. *Stack required.* Where sewer depth exceeds six feet, zero inches.

e. *Marking.* "As built" plans shall state that the locations of services shall be marked with four-inch by four-inch oak timbers and extending two feet aboveground for each service. Painted with bright color paint. (Capped four-inch diameter PVC pipe may be used in lieu of oak timber.) Curb is to be marked to indicate the location of the sanitary sewer service.

f. *Bedding.* Bedding shall be made of cement stabilized sand (one sack per cubic yard). The minimum thickness shall be one-half of the pipe diameter beneath the pipe (in no case less than six-inch thickness) and to the centerline of the pipe.

(4) *Backfill.* Same as for water systems.

(5) *Location.* Except in unusual circumstances and after recommendation by the city engineer, sanitary mains shall be located in the front of lots. They shall be placed within street right-of-way opposite water mains. If authorized to be placed at rear of lot, mains shall be no closer than five feet to the easement boundary.

(g) *Drainage.* The following minimum standards apply to drainage construction within new subdivisions. The city has adopted the county drainage district's criteria manual and all drainage calculations and plans shall be approved by the drainage district.

(1) *Storm sewers and culverts.* Storm sewers and culverts shall meet the following minimum requirements of the current Fort Bend County Drainage Criteria Manual:

- a. *Minimum diameter.* The minimum diameter shall be:
 - i. 24 inches for all underground drainage systems; and
 - ii. 18 inches for all rural/roadside ditch pipe culverts to serve residential driveways.
- b. *Minimum slope.* The minimum slope of storm sewers and culverts shall be:
 - i. Storm sewers slopes shall be no less than 0.1 percent.
 - ii. Culverts shorter than 100 feet shall be at a minimum slope of 0.1 foot.
- c. *Material.* Storm sewers and culverts shall be constructed of:
 - i. Class III reinforce concrete pipe;
 - ii. High density polyethylene (HDPE) corrugated smooth lined thermoplastic pipe may be used when approved by the city engineer; and/or
 - iii. State highway department standard box culverts and headwalls.
- d. *Joints.* Storm sewer and culvert joints shall utilize the following:
 - i. Class III reinforced concrete pipe, bell and spigot joints with "O" ring type gaskets; or
 - ii. High density polyethylene pipe, with bell and spigot joints with "O" ring type gaskets.
- e. *Box culverts.* Box culverts shall be "Ram-Nek" type asphaltic sealer or approved equal with joints to meet state department of highway specification.
- f. *Bedding.* All storm sewer shall be bedded with one and one-half sack per cubic yard of cement stabilized sand, compacted to 12-inch thickness, minimum.
- g. *Backfill.* All storm sewer piping shall be backfilled to a minimum of 12 inches over the top of the pipe with one and one-half sack per cubic yard cement stabilized sand, compacted by mechanical means. When using HDPE pipe, caution shall be taken to ensure proper bedding and backfill to meet the manufactures recommendations to provide the structural support necessary.
- h. *Junction boxes and manholes.* Junction boxes and manholes shall be:
 - i. A nominal pipe size of plus 12 inches;
 - ii. Made of reinforced concrete, designed for the load with a minimum wall thickness of five inches; and
 - iii. Located at:
 - a) Changes in pipe size or direction; and
 - b) Distances not to exceed 400 feet.

- i. *Access covers.* Access covers shall be 24-inches in diameter and cast-iron ring and cover with the word "storm" cast into the cover.
 - j. *Inlets.* Inlets shall:
 - i. Have a minimum throat size of six inches high by five feet long;
 - ii. Constructed from reinforced concrete, designed for load;
 - iii. Have a wall thickening minimum of five inches; and
 - iv. Be accessed as per the standards contained in subsection 28-4-12(1)g.
- (2) *Open channels.*
- a. *Unlined ditches.* Unlined ditches shall have a:
 - i. Maximum side slope of three horizontal feet to one vertical foot;
 - ii. Minimum bottom slope of 0.05 percent; and
 - iii. Easement top width of 16 feet on one side plus six feet on the opposite side.
 - b. *Lined channels.* Lined channels shall have:
 - i. A minimum bottom slope grade of 0.05 percent;
 - ii. Lining material constructed of five-inch thick concrete with #3 bars at 18 inches, center to center. With the approval of the city, pre-cast concrete pavement may be used in lieu of concrete;
 - iii. Concrete characteristics of the same requirements for street paving as stated in subsection 28-4-12(b)(4)b.; and
 - iv. A minimum easement top width of plus 12 feet on one side and four feet on the opposite side.
- (3) *Design criteria.* Storm drainage facilities shall be designed to meet the following requirements:
- a. *Storm period.* The storm period shall be 25 years.
 - b. *Runoff coefficient.* Runoff coefficients shall be as follows:
 - i. Single-family residential areas shall have a runoff coefficient of 50 percent.
 - ii. Commercial areas shall have a runoff coefficient of 80 percent.
- (4) *Detention/Retention Ponds.* Where ponds are required to meet drainage standards, the shoreline shall encompass native or naturalized grass species and significant use of aquatic plant species to prevent erosion, promote wildlife activity, and provide visual appeal.
- (h) *Street signs.* For uniformity, all street signs within the City Limits of Fulshear shall be ordered through the city, and shall be in line with the City's established branding/signage

policy. The cost of signs and initial erection are the responsibility of the developer. Signs are required at each street intersection. Such signs shall meet TxMUTCD standards.

(i) *Regulations and other entities.* These construction standards are not intended to replace the regulations of state or federal governmental entities whose jurisdiction includes new subdivisions within the jurisdiction of the City.

(j) *Specific construction standard requirements.* See the city's construction design manual."

Section 24. Section 28-4-16(k)(2) of the Fulshear Code is hereby amended to read as follows:

"(2) *Drainage areas.* Drainage areas may be accepted as part of a park if the channel is constructed in accordance with city standards, the land is appropriate for park use, the drainage area has sidewalks allowing for pedestrian use, and if no significant area of a park is cut off from access by such channel."

Section 25. Section 28-4-16(m) of the Fulshear Code is hereby amended by adding a new subpart (4) to read as follows"

"(4) *City park/trail naming.* All parks, park facilities, and trails to be owned or maintained by the City shall be named by the City Council, subject to a recommendation of the Parks and Recreation Commission. Consideration shall be given to Fulshear's history, events or activities that have been of significance to the area, the geographic and natural features of the area, and persons who have had a positive impact on the Fulshear community."

Section 26. Section 28-7-31 of the Fulshear Code is hereby amended by adding a new subpart (c) to read as follows:

"(c) *Legal/Review Fees.* With any application and at the beginning of a development agreement process, a fee is due and payable to the City as stated in the City's Master Fee Schedule. This fee shall cover the cost of legal counsel and document preparation as well as any reviews done by engineering."

Section 27. Section 28-9-3 of the Fulshear Code is hereby amended by adding the following definitions, to be integrated in alphabetical order, to read as follows:

"*Food truck park* means a group of one or more permitted food trucks that are intended to be a permanent feature within a specific location connected to and utilizing city utilities including water and sanitary sewer, and where generators shall be generally avoided.

Mobile vendor means a mobile unit, including a food truck, which is permitted to sell goods and food by the City of Fulshear at a specific location for more than 2 hours at a given time. The vendor shall not keep the unit on site for more than 45 days within a calendar year and

can relocate for an additional 45 days. However, after 90 days total the vendor shall either become itinerant or locate within a food truck park to conduct business. This unit shall have access to an onsite restroom facility and shall not impede vehicular or pedestrian traffic.

Mobile vendor (itinerant) means a mobile unit, including a food truck permitted within any zoning district, which sells goods, food, or both, at a specific location for no more than 2 hours. These locations shall not provide any type of seating and the vendor shall provide a refuse receptacle and be responsible for keeping the area clean and sanitary.”

Section 28. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 29. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 30. Effective date. This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this 19th day of September, 2023.

Aaron Groff, Mayor

ATTEST:

Mariela Rodriguez, City Secretary