

ORDINANCE NO. 2012-1061

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, RECLASSIFYING CERTAIN POSITIONS WITHIN THE POLICE DEPARTMENT; SETTING A WORK PERIOD AND ADOPTING AN EXEMPTION FOR POLICE OFFICER OVERTIME AS ALLOWED UNDER THE FAIR LABOR STANDARDS ACT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, to protect the safety of life and property, the City of Fulshear, Texas, (“City”) created a Police Department; and

WHEREAS, the City was exempt from the overtime provisions contained in the Fair Labor Standards Act (“FLSA”) regarding Law Enforcement employees because the City employed fewer than five Law Enforcement employees; and

WHEREAS, the City recently added two Law Enforcement employees which now requires the City to comply with the overtime provisions contained in the FLSA; and

WHEREAS, the FLSA allows certain overtime exemptions under Section 207(k); and

WHEREAS, the City desires to ensure its compliance with the FLSA while availing itself to the Section 207(k) overtime exemption through the adoption of work periods;

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

Section 1. The facts and recitations contained in the preamble to this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. The purpose of this Ordinance is to bring the City into compliance with the Fair Labor Standards Act requirements for Law Enforcement employees; while also availing itself of the overtime exemptions created under Section 207 (K) of the FLSA through the creation of designated work periods for Law Enforcement employees.

Section 3. Except for the Chief of Police of the City of Fulshear, Texas, all Law Enforcement employees of the City of Fulshear, Texas, currently classified as “Exempt” are hereby reclassified as “Non-Exempt.”

Section 4. Under the provisions of Section 207(k) of the FLSA, the City hereby designates a work period for all Non-Exempt Law Enforcement employees as a period consisting of fourteen (14) days with a maximum allowable work schedule of 85.5 hours. Any hours worked over 85.5 hours during a work period shall entitle the Law Enforcement employee to overtime pay.

Section 5. *Repeal.*

All ordinances or parts of ordinances which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section 6. *Severability.*

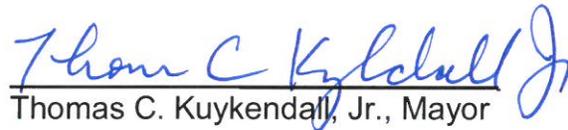
In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance 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.

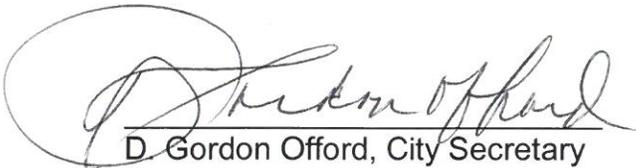
Section 7. *Effective Date.*

This Ordinance shall become effective when published as required by state law.

PASSED, APPROVED and ADOPTED this, the 17th day of January, 2012.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1062

AN ORDINANCE CALLING AN ELECTION FOR THE CITY OF FULSHEAR, TEXAS, TO BE HELD ON SATURDAY, THE 12TH DAY OF MAY, 2012, FOR THE PURPOSE OF ELECTING CITY OFFICIALS, PROVIDING FOR EARLY VOTING AND PROVIDING FOR NOTICE OF SAID ELECTION.

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

SECTION 1.0

ELECTION CALLED: That the Mayor of the City of Fulshear, Texas, with the concurrence of the City Council, pursuant to Texas Election Code, Sec. 3.004, does hereby call an election for the City of Fulshear, to be held on Saturday, the 12th day of May, 2012, for the purpose of electing city officials of the City of Fulshear, to-wit: Mayor, and three (3) At-Large Alderman Positions.

No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person shall have filed his or her sworn application, as provided by Sections 141.031, 143.004 and 143.007 of the Texas Election Code with the City Secretary of the City at the City Offices, located at 30603 FM 1093 West, Fulshear, Texas 77441, not later than 5:00 p.m. on March 5, 2012. The City Secretary shall note on the face of each such application the date and time of its filing. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code, not later than 5:00 p.m. on March 5, 2012, except as otherwise provided in the case of a deceased or ineligible candidate.

SECTION 2.0

ORDERS AUTHORIZED: That the Mayor and/or the City Secretary of the City of Fulshear are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

SECTION 3.0

DESIGNATION OF PRECINCT AND POLLING PLACE: The present boundaries of the City of Fulshear, Texas shall constitute one (1) precinct for the election, and the polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling place:

POLLING PLACE

**Irene Stern Community Center
6920 Katy Fulshear Road
Fulshear, TX 77441**

SECTION 4.0

APPOINTMENT OF ELECTIONS ADMINISTRATOR, JUDGES AND CLERKS: That the Elections Administrator of Fort Bend County, Texas, shall act as Contracting Officer and shall appoint election judges, alternate judges and clerks as described in the Contract for Election Services between Fort Bend County and the City of Fulshear.

SECTION 5.0

EARLY VOTING: That early voting by personal appearance shall be available at the dates and times set for in Exhibit A to this Ordinance which is like titled Attachment B to the Interlocal Agreement for Election Administration with Fort Bend County.

Early voting by both personal appearance and by mail shall be by the eSlate electronic voting system (including the Hart Intercivic Ballot Now system for ballots by mail), with ballots by mail being processed by an Early Voting Ballot Board.

SECTION 6.0

APPLICATIONS FOR BALLOTS BY MAIL: That the Fort Bend County Elections Administrator, shall receive applications by mail for a ballot to be voted by mail from March 28, 2012 until the close of business on May 4, 2012. Requests for applications should be mailed to: John Oldham, Fort Bend County Election Administrator, 301 Jackson Street, Richmond, Texas 77469.

SECTION 7.0

NOTICE: That in full compliance with the Texas Election Code, Sec. 4.002, the Mayor of the City shall have authority and is required to give notice of this election; and notice may be properly given in one of the following ways:

- a. By publishing the notice at least once, not earlier than the 30th day or later than the 10th day before the election, in a newspaper of general circulation or the official newspaper of the City; or
- b. By posting, not later than 21 days before the election, a copy of the notice at a public place in each election precinct that is in the City of Fulshear; or
- c. By mailing, not later than the 10th day before the election, a copy of the notice to each registered voter of the City.

In addition to the notice as herein previously provided, not later than the 21st day before the election, the Mayor of the City shall post a copy of the notice of the election on the bulletin board used for posting notices of the meetings of the governing body of the City.

That the notice as herein required shall provide a statement as to the nature and date of the election, the location of each polling place and the hours the polls will be open, and shall be signed by the Mayor; and an appropriate record of the notice requirements shall be maintained in accordance with Texas Election Code, Sec. 4.005.

SECTION 8.0

VOTING SYSTEM: That voting at the election, including early voting, shall be by the use of the County electronic voting system which has been duly approved by the Secretary of State.

SECTION 9.0

ASSURANCE DIRECTIVE: That the City Council of the City of Fulshear authorizes and directs appropriate officers of the City to take such appropriate action as shall be deemed necessary to

ensure that all persons qualified to vote are afforded the opportunity to do so and that all election judges or alternate election judges are assisted in any manner that they may request.

SECTION 10.0

EARLY VOTING BALLOT BOARD: That pursuant to the provisions of Chapter 87 of the Texas Election Code, an Early voting Ballot Board is created, which shall consist of a presiding judge and clerks as appointed by the Contracting Officer. The Early Voting Ballot Board shall perform such functions and shall have such duties as are provided for by the Texas Election Code. In addition, the counting station for all ballots cast in such election shall be operated by John Oldham, Elections Administrator of Fort Bend County, Texas, (the Contracting Officer,) and such clerks as shall be necessary to count the ballots and to prepare the election returns in accordance with the provisions of Chapter 65 of the Texas Election Code.

SECTION 11.0

CANVASSING OF ELECTION: That the City Council of the City, as the canvassing authority of this election, pursuant to the provisions of the Texas Election Code, Sec. 67.003, does hereby call a Regular Meeting to be held on the 15th day of May 2012, at 7:00 o'clock p.m. in the City Council Chamber of the City, for the purposes of canvassing the returns of the election, said meeting to occur not earlier than the eighth day nor later than the 11th day after the election, at which time the City Secretary shall deliver the sealed precinct returns to the City Council. In public session, the City Council shall open the returns for each precinct and canvass the same by preparing a tabulation for each candidate and for and against each measure, indicating the total number of votes received in each precinct and the total for all precincts; and a tabulation, as a separate document or as a part of the local election register, shall be made; and the returns shall be compared with the correspondent tally list, and in the event a discrepancy is discovered between the vote totals shown on the returns and those shown on the tally list for a precinct, the presiding judge of the precinct shall examine the returns and the tally list and make necessary corrections on the returns. At the completion of the canvass, the Mayor shall deliver the precinct returns and tally lists used in the canvass to the City Secretary; and the City Secretary shall preserve them for a period in accordance with law.

PASSED and APPROVED this, the 21st day of February, 2012.



Thomas C. Kuykendall, Jr., Mayor, City of Fulshear, Texas

ATTEST:

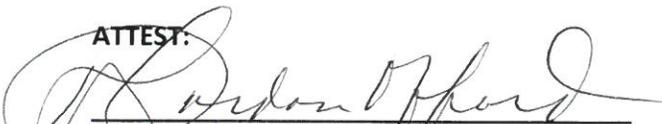

D. Gordon Offord, City Secretary

Exhibit A
Early Voting Schedule
May 12, 2012 Joint Election

Schedule for: Rosenberg Annex – 4520 Reading Road., Rosenberg, TX
 Irene Stern Community Center - 6920 Fulshear-Katy Road, Fulshear, TX
 Missouri City Branch Library – 1530 Texas Pkwy, Missouri City, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 30 – May 4, 2012	8:00 a.m. to 5:00 p.m.
Saturday	May 5, 2012	8:00 a.m. to 5:00 p.m.
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 – 8 2012	7:00 a.m. to 7:00 p.m.

Schedule for: First Colony Conference Center – 3232 Austin Parkway, Sugar Land, TX
 Hightower High School – 3333 Hurricane Lane, Missouri City, TX
 Sugar Land Methodist Church - 431 Eldridge, Sugar Land, TX
 Four Corners Community Center – 15700 Old Richmond Road, Sugar Land, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 30 – May 4, 2012	8:00 a.m. to 7:00 p.m.
Saturday	May 5, 2012	8:00 a.m. to 5:00 p.m.
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7- 8, 2012	7:00 a.m. to 7:00 p.m.

Schedule for: Lost Creek Park – 3703 Lost Creek Blvd, Sugar Land, TX
 Sugar Land City Hall – 2700 Town Center Blvd. North, Sugar Land, TX
 Old Needville Fire House – 3115 Richmond Street, Needville, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 30 – May 4, 2012	10:00 a.m. to 7:00 p.m.
Saturday	May 5, 2012	CLOSED
Sunday	May 6, 2012	CLOSED
Monday – Tuesday	May 7 – 8, 2012	7:00 a.m. to 7:00 p.m.

Schedule for: Fort Bend ISD Admin. Bldg. – 16431 Lexington Blvd., Sugar Land, TX
 Willowridge High School – 16301 Chimney Rock, Houston, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 30 – May 4, 2012	8:00 a.m. to 7:00 p.m.
Saturday	May 5, 2012	CLOSED
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 – 8, 2012	7:00 a.m. to 7:00 p.m.

Schedule for: Meadows Place City Hall – One Troyan Dr., Meadows Place, TX
 Stafford City Hall – 2610 Main Street, Stafford, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday – Friday	April 30 – May 4, 2012	8:00 a.m. to 5:00 p.m.
Saturday	May 5, 2012	CLOSED
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 – 8, 2012	7:00 a.m. to 7:00 p.m.

ORDINANCE NO. 2012-1063

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 01-865 REGARDING THE NUMBER OF PLANNING AND ZONING COMMISSION MEMBERS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Fulshear passed Ordinance No. 01-865 establishing the membership, qualifications, appointment, and term of office for the Planning Commission of the City; and

WHEREAS, the City Council subsequently amended that section through Ordinance No. 06-946 revising the number of voting members; and

WHEREAS, the City Council acted through Ordinance No. 2011-1052 to make the Planning Commission the Zoning Commission as well; and

WHEREAS the City Council desires to add Ex-Officio and Emeritus Commission positions that have no voting power, while continuing with the number of voting Members of the Planning and Zoning Commission at seven (7) members.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to amend Ordinance 01-865 to allow for the appointment of Ex-Officio and Emeritus, non-voting members of the Planning and Zoning Commission.

SECTION 2.0

AMENDED: Section 4, Paragraph A of Ordinance No. 01-865 is hereby amended to read:

Section 4. Membership, Appointment, Term of Office, Meetings.

A. Membership. The Planning *and Zoning* Commission shall be composed of seven (7) voting members, each of whom shall be, at the time of appointment and at all other times while serving as a member of such commission, resident citizens of and owners of real property within the City of Fulshear, Texas. *Further, the City Council upon request of the Commission may from time to time appoint additional Ex-Officio and Emeritus Members to the Commission. These positions may participate in debate but may not vote on issues before the Commission. To be eligible for an Ex-Officio or Emeritus position on the Commission the Member shall be a resident of the City or own land within the City Limits.*

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

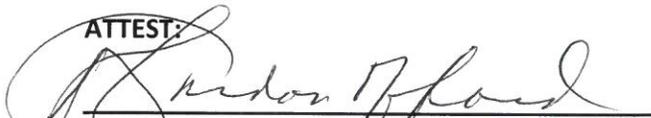
SECTION 5.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the adoption of the Ordinance by City Council.

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.


Thomas C. Kuykendall Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

ORDINANCE NO. 2012- 1067

AN ORDINANCE RATIFYING THE CREATION OF THE OFFICE OF CITY ADMINISTRATOR PRESCRIBING THE DUTIES THEREOF, PROVIDING FOR THE FILLING OF THAT OFFICE BY APPOINTMENT AND CONTAINING A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE

WHEREAS, the City Council of the City of Fulshear, Texas finds it in the best interest of the City to ratify by ordinance the creation of the position of City Administrator to administer the overall affairs of the City.

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

SECTION 1.0

CREATED: Under and by the authority of the Local Government Code § 22.071, there was created in 2010 by motion and budgeting the Office of City Administrator of the City of Fulshear, Texas. This Ordinance ratifies that action by the City Council of Fulshear, Texas.

SECTION 2.0

APPOINTMENT: The City Administrator shall be chosen by the City Council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. The City Administrator shall be responsible to and report to the Mayor and City Council of the City of Fulshear, Texas.

SECTION 3.0

REMOVAL: The City Administrator shall serve at the will of the City Council, and as a Municipal Officer, may be removed or suspended in accordance with Local Government Code § 22.077 and shall be subject to discharge at any time, with or without cause. It is specifically provided that no person appointed to the position of City Administrator shall have any entitlement, contractual right, or property right in such position or to continued employment by the City except to the extent that a written contract between the City Administrator and the City may so provide. During the absence or disability of the City Administrator for a period of not more than fifteen (15) consecutive working days, he or she may, with the prior approval of the Mayor or Mayor Pro-Tem, designate an officer or employee of the City to perform the functions of the City Administrator during such absence. If the absence of the City Administrator should exceed or is expected to exceed fifteen (15) consecutive working days, the Mayor shall designate, with City Council confirmation, some other qualified person to perform the functions of the City Administrator during such absence.

SECTION 4.0

POWERS AND DUTIES: The City Administrator shall be the Chief Administrative Officer of the City, may head one or more departments, and shall be responsible to the Mayor and City

Council for the proper administration of all affairs of the City. He or she shall exercise those administrative powers and have the responsibilities set forth under Texas Law as may from time to time be directed by the City Council of the City of Fulshear. To that end, the City Administrator shall have the power and shall be required to:

- 1) Appoint positions as budgeted and, when necessary for the good of the City, conduct hearings, suspend or remove any employee of the City. Such hearings, suspensions, or removals are subject to subsequent review and approval by the City Council in the exercise of their responsibility and authority. Regardless of the appointing or dismissal method, all acts of or recommendations for appointment or removal shall be based solely on the merit, qualifications, or disqualifications of the Official concerned without regard to political beliefs or affiliations. The City Administrator shall maintain the City Personnel Policies and Procedures, following their adoption by City Council and interpret the policies therein for the employees.
- 2) See that all laws, ordinances and policies of the City Council are faithfully executed, subject to the authority which the City Council may grant the Mayor to maintain law and order in times of emergency.
- 3) Prepare and submit to the City Council such reports as may be required by that body or as he or she may deem it advisable to submit.
- 4) Keep the City Council fully advised of financial conditions of the City and its future needs.
- 5) Keep the public and City Council informed through periodic reports to the City Council on City operations.
- 6) Assist the Mayor in budget matters and prepare and submit to the Mayor and City Council, prior to each fiscal year, a budget of proposed revenues and expenditures for the ensuing fiscal year in accordance with Chapter 102 of the Local Government Code, as amended, showing in as much detail as practicable the estimated amounts of money required for the efficient operation of the City and each of its departments and the reasons for such estimated expenditures and be responsible for its administration upon adoption.
- 7) Performance of such other duties as may be required by the City Council, not inconsistent with the laws or ordinances of the City of Fulshear, the State of Texas, or the federal government and recommend for adoption by the City Council such measures as he or she may deem necessary or expedient.
- 8) Attend all open meetings of the City Council and attend executive sessions of the City Council only when requested or authorized to do so by the Mayor. He or she shall have

the right to participate in all discussions at those meetings of the City Council, but shall have no right to vote. He or she shall be notified of all meetings of the City Council and shall attend other meetings relating to City business when requested to do so by the Mayor.

- 9) The City Administrator shall see that all terms and conditions imposed in favor of the City and its inhabitants on any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, bring the same to the attention of the Mayor.

- 10) The City Administrator shall use his or her best efforts to notify the Mayor and each member of the City Council within forty-eight (48) hours of any alleged violation by the City or any of its officers or employees of a Federal, State, or City statute, law, rule or regulation, or any cause of action or lawsuit against the City which may subject it to any civil, criminal, or monetary liability.

SECTION 5.0

COMPENSATION: The City Administrator is an exempt position and is exempt from overtime provisions for the Fair Labor Standards Act, and is not eligible for overtime for any hours worked beyond a normal work period. The City Administrator will be salaried which salary shall be set and determined by the City Council.

SECTION 6.0

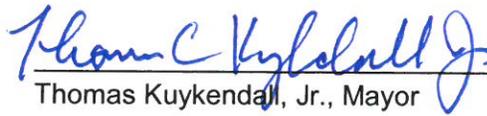
REPEALER: All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

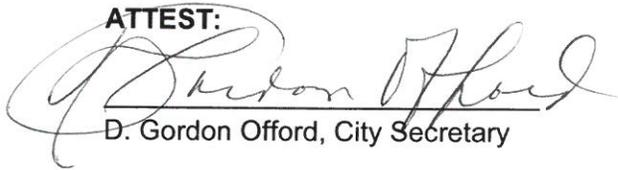
SECTION 7.0

SEVERABILITY: Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 8.0

EFFECTIVE DATE: This Ordinance shall be effective and in full force from and after its passage and approval.


Thomas Kuykendall, Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1065

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2012-1058 SECTION 4.0, REGARDING THE DESIGN, CONSTRUCTION AND MAINTENANCE OF SIGNS BY DISTRICT; SUB-SECTION 3 ENTITLED SPECIAL DOWNTOWN SIGN DISTRICT TO ALLOW TEMPORARY SANDWICH BOARD SIGNAGE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") finds that the unregulated construction and erection of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along roadways and Right of Ways within the City and easements; and

WHEREAS, the City Council of the City of Fulshear finds that portable signs present special traffic hazards when towed on public streets or displayed on public rights-of-way and present dangers to the health and safety of the citizens of the City; and

WHEREAS, the City Council of the City of Fulshear recognizes that protection of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards; and

WHEREAS, the City Council acted in Ordinance No. 2012-1058 to regulate signage; and

WHEREAS, the City Council is cognizant of certain additional needs expressed by businesses and believes that acting to remediate said needs by amending the aforementioned Ordinance will promote commerce and improve the general welfare of the City;

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise Ordinance 2012-1058 concerning Signs, Section 4.0 regarding the Design, Construction and Maintenance of Signs by District, Sub-Section 3) entitled Special Downtown Sign District adding paragraph e) relating to Sandwich Board Signs.

SECTION 2.0

AMDENDED: Section 4.0 regarding the Design, Construction and Maintenance of Signs by District, Sub-Section 3) entitled Special Downtown Sign District is hereby amended to add paragraph e) which shall read:

- e) Sandwich Board Signs: Businesses located in the District shall have the option of Sandwich Board signs may only be located in front of commercial properties within the Downtown Signage District. These temporary signs shall be located in front of the business on private property

during business hours. Under no exception shall the signs be placed on public property or within the City's Rights of Way. The total size of the sign is not to exceed 42"x24" (height x width). The signs must be internally weighted to withstand strong winds. Businesses installing such signage will be allowed only one sign and will be required to place such sign in a manner that does not hinder safe sight lines for drivers nor impede foot traffic for other nearby businesses.

Said signs shall be permitted on an annual basis through the Building and Permitting Office. Such permits are renewable year to year and shall be accompanied by a fee of \$50.00 and proof that the applicant has a liability insurance policy with a total umbrella cap of not less than \$500,000.

Businesses displaying such signage shall ensure that said signs are removed and secured inside a building on day where the National Weather Service or Fort Bend County Office of Emergency Management has issue a severe weather statement relating to strong winds or Red Flag conditions.

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day of April, 2012.

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.


Thomas C. Kuykendall Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1066

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE NO. 2012-1062, ADOPTED ON FEBRUARY 21, 2012; PROVIDING REVISED LOCATIONS FOR EARLY VOTING BY PERSONAL APPEARANCE; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City of Fulshear, Texas ("City"), passed Ordinance No. 2012-1062 on February 21, 2012; and

WHEREAS, Ordinance No. 2012-1062 called the election for the City to be held on Saturday, May 12, 2012; and

WHEREAS, Ordinance No. 2012-1062 also provided the locations for early voting by personal appearance; and

WHEREAS, after adoption of Ordinance No. 2012-1062, Fort Bend County advised the City that two (2) locations for the early voting by personal appearance had been eliminated;

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

Section 1. The facts and recitations contained in the preamble to this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

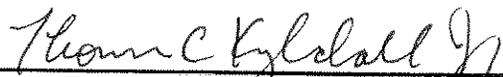
Section 2. The City Council of the City of Fulshear, Texas, amends Ordinance No. 2012-1062 with respect to the locations of early voting by personal appearance, which such revised locations are attached hereto and incorporated herein for all purposes as Exhibit "A."

Section 3. That all other provisions of Ordinance No. 2012-1062 shall remain in full force and effect.

Section 4. *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.

PASSED, APPROVED, and ADOPTED this, the 17th day of April, 2012.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

Early Voting Schedule May 12, 2012 Joint Election

Schedule for: Irene Stern Community Center - 6920 Fulshear-Katy Road, Fulshear, TX
Missouri City Branch Library - 1530 Texas Pkwy, Missouri City, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday - Friday	April 30 - May 4, 2012	8:00 a.m. to 5:00 p.m.
Saturday	May 5, 2012	8:00 a.m. to 5:00 p.m.
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 - 8 2012	7:00 a.m. to 7:00 p.m.

Schedule for: First Colony Conference Center - 3232 Austin Parkway, Sugar Land, TX
Hightower High School - 3333 Hurricane Lane, Missouri City, TX
Sugar Land Methodist Church - 431 Eldridge, Sugar Land, TX
Four Corners Community Center - 15700 Old Richmond Road, Sugar Land, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday - Friday	April 30 - May 4, 2012	8:00 a.m. to 7:00 p.m.
Saturday	May 5, 2012	8:00 a.m. to 5:00 p.m.
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 - 8, 2012	7:00 a.m. to 7:00 p.m.

Schedule for: Lost Creek Park - 3703 Lost Creek Blvd, Sugar Land, TX
Sugar Land City Hall - 2700 Town Center Blvd. North, Sugar Land, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday - Friday	April 30 - May 4, 2012	10:00 a.m. to 7:00 p.m.
Saturday	May 5, 2012	CLOSED
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 - 8, 2012	7:00 a.m. to 7:00 p.m.

Schedule for: Fort Bend ISD Admin. Bldg. - 16431 Lexington Blvd., Sugar Land, TX
Willowridge High School - 16301 Chimney Rock, Houston, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday - Friday	April 30 - May 4, 2012	8:00 a.m. to 7:00 p.m.
Saturday	May 5, 2012	CLOSED
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 - 8, 2012	7:00 a.m. to 7:00 p.m.

Schedule for: Meadows Place City Hall - One Troyan Dr., Meadows Place, TX
Stafford City Hall - 2610 Main Street, Stafford, TX

<u>Day</u>	<u>Date</u>	<u>Hours</u>
Monday - Friday	April 30 - May 4, 2012	8:00 a.m. to 5:00 p.m.
Saturday	May 5, 2012	CLOSED
Sunday	May 6, 2012	CLOSED
Monday - Tuesday	May 7 - 8, 2012	7:00 a.m. to 7:00 p.m.

ORDINANCE NO. 2012-1067

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS CREATING A PARKS AND RECREATION COMMISSION; PROVIDING FOR MEMBERSHIP, VOTING AND REMOVAL OF MEMBERS; PROVIDING ALSO FOR TERMS OF APPOINTMENT, SELECTION OF OFFICERS, DUTIES AND POWERS, MEETINGS AND QUORUMS; AND PROVIDING FOR REPEAL AND SEVERABILITY

WHEREAS, the City has entered into multiple Development Agreements which include the collection of funds for the creation of a Regional Parks system; and

WHEREAS, the City is in the process of completing its Comprehensive Plan of which a Parks Master Plan as a component thereof; and

WHEREAS, the City hopes in the future to successfully compete for grant funding to aid in the development of parks and recreational facilities; and

WHEREAS, the City Council believes it to be in the general interest of the community to appoint a Commission responsible for overseeing the development and future use and maintenance of the facilities created with these funds and grants;

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to create a Parks and Recreation Commission for the purpose of advising the City Council with respect to planning, use and development of Parks and Recreational Facilities within the jurisdiction of the City of Fulshear, Texas.

SECTION 2.0

CREATED: A Parks and Recreation Commission is hereby established to perform such duties and functions as are required and/or authorized by state law, City Ordinance and this enabling article. The Parks and Recreation Commission shall:

- 1) Act as an advisory board to the Council with respect to the planning, use and development of parks and recreation facilities and related matters;
 - a) All matters considered as recommendation to the City Council shall first pass a majority vote of this Board.
- 2) Recommend and oversee the implementation of the Parks Master Plan in conjunction with the City's Comprehensive Planning Process including oversight of the land use and the physical development of the parks system;
- 3) Recommend future further development of parks and recreational facilities and work with City staff to propose the respective budgets for implementation;
- 4) Formulate and recommend to City Council plans for maintenance and security of the parks system;
- 5) Monitor the receipt and disbursement of Regional Park funds in accordance with the requirements of the City, the Development Agreements and potentially future Granting agencies; and
- 6) Perform any other planning and development related functions as requested by the City Council.

SECTION 3.0

MEMBERSHIP, APPOINTMENT AND REMOVAL:

- 1) The Parks and Recreation Commission shall be composed of seven (7) qualified members. Five (5) of those members shall be residents of the City or its Extra-Territorial Jurisdiction and two (2) of those members shall be representative of the various Developments from which the Regional Park Funds are derived.
- 2) The City Administrator or their designee may serve on the Commission as an Ex-Officio Member.
- 3) The City Council may from time to time amend the number and qualifications of the body's membership. Further City Council may appoint one of their colleagues to serve as a member of the Commission.
- 4) Resident representatives shall be appointed by the City Council through Resolution and likewise may remove members prior to the end of their term of Service, with or without cause by the City Council through Resolution.
- 5) Representatives of the Developments shall be appointed by caucus of the various Developers and presented to the City Council in writing.
- 6) Developers shall surrender their right to appoint or participate in the caucus for appointment upon the completed build out of their respective Development.
- 7) Those representatives may be removed by their sponsor or through caucus with or without cause prior to the end of their term of service.

SECTION 4.0

TERMS OF OFFICE:

- 1) For those resident representatives appointed by the City Council; the terms of three (3) of the members shall expire on January 1 of each even-numbered year and the terms of the other two (2) members shall expire on January 1 of each odd-numbered year.
- 2) Those members initially appointed by Council in 2012 shall draw lots to determine odd and even year term cycles. Those drawing an odd year cycle shall see their term end on January 1, 2013.
- 3) Appointees subsequently appointed for terms beginning after January 1, 2013 shall serve for a term of two years.
- 4) If a membership vacancy exists, the term of office may be filled by a person appointed by the City Council to fill the vacancy for the time remaining for that vacancy.
- 5) Those members appointed by caucus of the Developers shall serve a term not to exceed two years and new appointments must be made by January 1st of the next even numbered year.
- 6) No member shall be appointed for a term in excess of two years.
- 7) Newly appointed members shall be installed at the first regular or special Commission meeting after their appointment.

SECTION 5.0

ORGANIZATION:

- 1) A chairperson and vice-chairperson shall be elected annually from among the Commission's membership at the first meeting in January.

- 2) Such offices may be alternately filled at such other times as these offices may become vacant.
- 3) No member shall serve more than two consecutive 12-month terms as chairperson.
- 4) In the absence of both the chairperson and the vice-chairperson, the Commission shall elect an acting chairperson in order to conduct its business.
- 5) City Staff shall act as a Recording Secretary and shall be responsible for the official minutes of all public hearings and meetings of the Commission and these shall be presented to the City Secretary for official recording.
- 6) The Commission shall meet regularly and at the call of the chairperson who shall designate the time and place of its meetings.
- 7) The Commission shall adopt its own rules and procedures consistent with applicable Rules and Regulations by Government Agencies of competent jurisdiction with this Ordinance and keep a record of its proceeding consistent with the provisions of this article and the requirements of State Law.

SECTION 6.0

DUTIES AND POWERS: The Parks and Recreation Commission is hereby charged with the duty and invested with the authority to:

- 1) Regularly inspect the City's Parks and Recreational facilities at reasonable hours where required in the discharge of its responsibilities under the laws of the State and of the City.
- 2) Participate in the formulation and recommend of the Comprehensive Plan and Parks Master Plan and from time to time recommend such changes in the plan as it finds will facilitate the healthy enjoyment, recreation, safety, and general welfare of the citizens in their use of the parks and recreational facilities.
- 3) Exercise all the powers of a Commission as to approval or disapproval of plans, their implementation and related expenditures and bring recommendations to City Council.
- 4) Study and recommend on the location, extension and planning of public parks or other public places, and on the vacating or closing of same.
- 5) Initiate, in the name of the City, for consideration at public hearing, all proposals for the opening, vacating or closing of parks or other public places;
- 6) Formulate and recommend to the City Council for its adoption, policies and regulations consistent with the Comprehensive Plan and Parks Master Plan governing the location and/or operation of public facilities and services owned or under the oversight of the Commission.
- 7) Keep itself informed with references to the progress of City planning in the State of Texas, the United States and other countries and recommend improvements in the adopted plans of the City.

SECTION 7.0

MEETING AND QUORUM:

- 1) A quorum shall consist of a majority of voting members present at called regular or special meetings, duly posted pursuant to the Open Meetings Act, which is 72 hours before said meeting. The chairperson, or designee, shall provide the City secretary with an agenda for the required 72-hour posting.

- 2) A motion may be made by any member of the Commission. A motion to approve any matter before the Commission or to recommend approval of any request requiring City Council action shall require a majority favorable votes of the members present.
- 3) Provided further that no request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure a majority of concurring votes to approve or recommend approval at said meeting shall be recorded in the minutes as a denial of the proposal under this rule. The chairperson of the Commission may vote on all matters before the Commission.

SECTION 8.0

DISQUALIFICATION FROM VOTING:

- 1) A member shall be disqualified from voting whenever a personal or monetary interest in the issue under consideration exists, or that will directly affect the decision of the Commission.
- 2) A member may disqualify themselves from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application, other than in the public hearing.

SECTION 9.0

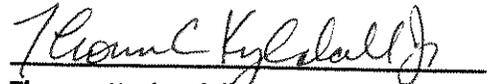
REPEALER: All Ordinances or parts of Ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 10.0

SEVERABILITY: Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 11.0

EFFECTIVE DATE: This Ordinance shall be effective and in full force from and after its passage and approval.


Thomas Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

Date: 4-17-2012

ORDINANCE NO. 2012-1068

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 12, 2012, FOR THE PURPOSE OF ELECTING MAYOR AND THREE (3) ALDERMEN TO THE CITY COUNCIL OF THE CITY OF FULSHEAR.

* * * * *

WHEREAS, a general election was held in the City of Fulshear, Texas, on May 12, 2012, for the purpose of electing Mayor and three (3) Aldermen; and

WHEREAS, said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks; and

WHEREAS, it appears that a total of 181 votes were cast in such election; now, therefore,

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

Section 1. The facts set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The official canvass of the returns of the general election held on May 12, 2012, reflects that the following named persons received the number of votes set opposite their name:

<u>Candidate Name</u>	<u>Votes</u>
Thomas C. Kuykendall, Jr.	120
Larry Beustring	88
Gwendolyn Fox	78
Laverne Patterson	107
Jeff Roberts	115

Section 3. In accordance with the official canvass of the returns of the general election held on May 12, 2012, the following persons are duly elected:

Mayor:

Thomas C. Kuykendall, Jr.,.....120

Aldermen:

Larry Beustring..... 88
Laverne Patterson.....107
Jeff Roberts.....115

Section 4. 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.

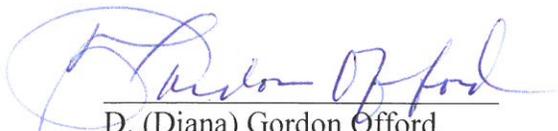
Section 5. Exhibit A. See Attachment.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2012.



Thomas C. Kuykendall, Jr.
Mayor

ATTEST:



D. (Diana) Gordon Offord
City Secretary



**Office of Elections Administration
Fort Bend County, Texas**

John Oldham
Elections Administrator

(281) 341-8670
Fax (281) 341-4418

CANVASS

I, John Oldham, Election Administrator for Fort Bend County Texas, do certify that the following are a true and accurate statement of the votes cast in the various precincts of Fort Bend County for the General Election held on May 12, 2012 on behalf of the City of Fulshear.

Dated: May 15, 2012

A handwritten signature in black ink, appearing to read "John Oldham", is written over a horizontal line.

John Oldham
Election Administrator
Fort Bend County, Texas

**City of Fulshear Canvass Report — Total Voters — Official
Fort Bend County, Texas — General Election — May 12, 2012**

Total Number of Voters : 11,115 of 215,553 = 5.16%

Mayor City of Fulshear

Precinct	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Tommy Kuykendall	Totals
:006	88	93	181	1353	13.38%	120	120
Totals	88	93	181	1353		120	120

**City of Fulshear Canvass Report — Total Voters — Official
Fort Bend County, Texas — General Election — May 12, 2012**

Total Number of Voters : 11,115 of 215,553 = 5.16%

Alderman City of Fulshear

Precinct	Early Ballots Cast	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Larry Beustring	Jeff Roberts	Laverne Patterson	Gwen Fox	Totals
006	88	93	181	1353	13.38%	88	115	107	78	388
Totals	88	93	181	1353		88	115	107	78	388

City of Fulshear Cumulative Report — Official

Fort Bend County, Texas — General Election — May 12, 2012

Total Number of Voters : 11, 115 of 215,553 = 5.16%

Precincts Reporting 111 of 111 = 100.00%

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Party	Candidate	Early	Election	Total
	Mayor City of Fulshear, Vote For 1			
	Tommy Kuykendall	61 100.00%	59 100.00%	120 100.00%

Cast Votes: 61 69.32% 59 63.44% 120 66.30%

Over Votes: 0 0.00% 0 0.00% 0 0.00%

Under Votes: 27 30.68% 34 36.56% 61 33.70%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	181	1,353	13.38%

Alderman City of Fulshear, Vote For 3

Larry Beusing 51 26.70% 37 18.78% 88 22.68%

Jeff Roberts 48 25.13% 67 34.01% 115 29.64%

Laverne Patterson 54 28.27% 53 26.90% 107 27.58%

Gwen Fox 38 19.90% 40 20.30% 78 20.10%

Cast Votes: 191 72.35% 197 70.61% 388 71.45%

Over Votes: 0 0.00% 0 0.00% 0 0.00%

Under Votes: 73 27.65% 82 29.39% 155 28.55%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	181	1,353	13.38%

City of Fulshear Precinct Report — Official
Fort Bend County, Texas — General Election — May 12, 2012

Total Number of Voters : 11,115 of 215,553 = 5.16%

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 Precincts Reporting 111 of 111 = 100.00%

Party	Candidate	Early	Election	Total
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Precinct 3006 (Ballots Cast: 342)

Mayor City of Fulshear, Vote For 1
 Tommy Kuykendall

Cast Votes:	61	100.00%	59	100.00%	120	100.00%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	27	30.68%	34	36.56%	61	33.70%

Alderman City of Fulshear, Vote For 3

Larry Beustring
 Jeff Roberts
 Laverne Patterson
 Gwen Fox

Cast Votes:	51	26.70%	37	18.78%	88	22.68%
Over Votes:	0	0.00%	0	0.00%	0	0.00%
Under Votes:	73	27.65%	82	29.39%	155	28.55%

ORDINANCE NO. 2012-1069

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING RULES AND REGULATIONS OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES WITHIN THE TERRITORIAL LIMITS OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Fulshear, Texas ("City"), is authorized by Chapter 211 of the Texas Local Government to promulgate rules and regulations governing regulation of land use, structures, businesses and related activities; and

WHEREAS, the City Council of the City of Fulshear, Texas, finds that the rules and regulations governing land use, structures, businesses, and related activities within the territorial limits of the City and the City's extraterritorial jurisdiction promotes the health, safety, morals, and general welfare of the City; and

WHEREAS, the City Council of the City of Fulshear, Texas, further finds that the rules and regulations governing land use, structures, businesses, and related activities within the territorial limits of the City and the City's extraterritorial jurisdiction promotes the safe, orderly, and healthful development of the City; and

WHEREAS, the City Council of the City of Fulshear, Texas, held a Public Hearing prior to the adoption of this Ordinance, in which any person desiring to comment on this Ordinance was allowed to speak and the City Council considered all comments;

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

Section 1-01. The facts and recitations contained in the preamble to this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 1-02. This Ordinance shall apply to all plats and all Subdivisions of land within the territorial limits of the City and the City's Extraterritorial Jurisdiction except where specifically exempted herein.

Fulshear, Texas, Code of Ordinances

Chapter 1 - ZONING [1]

ARTICLE I. - IN GENERAL

ARTICLE II. - DEFINITIONS AND INTERPRETATIONS

ARTICLE III. - DISTRICT REGULATIONS

ARTICLE IV. - SPECIAL USE REGULATIONS

ARTICLE V. - ADMINISTRATION AND PROCEDURES

ARTICLE VI. - NONCONFORMITIES

ARTICLE VII. - ENFORCEMENT

FOOTNOTE(S):

(1) State Law reference— Regulation of land use, structures, businesses and related activities, V.T.C.A., Local Government Code ch. 211 et seq.; planning and development, V.T.C.A., Local Government Code ch. 371 et seq. (Back)

ARTICLE I. - IN GENERAL

Sec. 1-1. - Title.

Sec. 1-2. - Authority.

Sec. 1-3. - Applicability.

Sec. 1-4. - Purpose.

Sec. 1-5. - Minimum standards; conflict with private restrictions.

Sec. 1-6. - Inconsistent provisions and conflict with other regulations.

Sec. 1-7. - Zoning map.

Sec. 1-8. - Compliance with Zoning District standards.

Sec. 1-9. - Zoning classification of annexed areas.

Sec. 1-10. - Transitional provisions.

Sec. 1-11. - Severability.

Sections. 1-12—1-40. - Reserved.

Sec. 1-1. - Title.

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Fulshear, Texas" or simply as the "Zoning Ordinance."

Sec. 1-2. - Authority.

The Zoning Ordinance is adopted pursuant to the powers granted and limitations imposed by the Constitution and laws of the State and other provisions of Texas statutory and Common Law that are relevant and appropriate.

Sec. 1-3. - Applicability.

The provisions of this Ordinance shall apply to the development of all land within the City, unless specifically provided otherwise in this Ordinance.

Sec. 1-4. - Purpose.

The Zoning Ordinance is adopted for the purposes of promoting the public health, safety and general welfare of the citizens of the City. It is adopted in accordance with, and is intended to implement, the City's comprehensive plan, as adopted in 2012. More specifically, this Ordinance is intended to do one or more of the following:

1. Guide the future growth and development of the City, to achieve orderly urban development through land use controls, to enhance the special characteristics and small town character of the City and to create a unique sense of place in concert with the City's other regulations and Ordinances;
2. To protect and conserve the value of land throughout the City and the value of buildings upon the land, and to minimize the conflicts among various uses of land and buildings;
3. Preserve and enhance the City's natural environment and avoid natural and manmade hazards in the development of the City;
4. Balance the protection of community resources with the need to promote economic development and protect individual property rights; and

5. Establish a process that effectively and fairly applies the regulations and standards of this Ordinance.

Sec. 1-5. - Minimum standards; conflict with private restrictions.

The provisions of this Ordinance are the minimum standards necessary to accomplish its stated purposes.

It is not the intent of this Ordinance to interfere with, abrogate or annul any private easement, covenant, deed restriction or other agreement between private parties. When the provisions of this Ordinance impose a greater restriction than imposed by such private agreements, the provisions of this Ordinance shall control. When private agreements impose a greater restriction than imposed by this Ordinance, such private agreements shall control.

Sec. 1-6. - Inconsistent provisions and conflict with other regulations.

In the event that the provisions of this Ordinance are inconsistent with one another or when the regulations of this Ordinance conflict with other adopted Ordinances or regulations of the City, the more restrictive provisions shall control, unless otherwise specifically stated.

Sec. 1-7. - Zoning map.

The boundaries of the Zoning Districts established by this Ordinance shall be shown on a map or series of maps entitled "Official Zoning Map," an up-to-date copy of which shall be maintained in the office of the City Secretary. Original copies of the official Zoning map and all amendments thereto shall be maintained in the City secretary's office. In case of any dispute regarding the Zoning classification of property subject to this Code, the original copy maintained by the City Secretary shall control.

Sec. 1-8. - Compliance with Zoning District standards.

No building or structure shall be erected, converted, enlarged, reconstructed or altered for use, nor shall any building, structure or land be used or changed in such a way that it does not comply with all of the District regulations established by this Ordinance for the District in which the building or structure or land is located.

Sec. 1-9. - Zoning classification of annexed areas.

Any land which comes under the Zoning jurisdiction of the City by reason of its annexation into the City shall be temporarily classified into Residential Acreage (R1) Zoning District until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

Sec. 1-10. - Transitional provisions.

- (a) *Building permits.* Except as specifically provided, the provisions of this Ordinance shall not affect any building permit or any valid building permit application filed prior to May 17, 2012, provided that construction pursuant to such permit, if and when issued, is commenced within twenty four (24) months of the date of issuance of the permit and diligently pursued to completion.
- (b) *Subdivision plats.* Except as specifically provided, the provisions of this Ordinance shall not affect any preliminary plat or final plat approved pursuant to the regulations of

Ordinance Nos. 2004-913, 2004-913A, 2005-918, 2009-991, and 2011-1059; Subdivision Regulations.

Sec. 1-11. - 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.

Sections. 1-12—1-40. - Reserved.

ARTICLE II. - DEFINITIONS AND INTERPRETATIONS

DIVISION 1. - RULES OF CONSTRUCTION

DIVISION 2. - DEFINITIONS

DIVISION 3. - INTERPRETATION OF ZONING DISTRICT BOUNDARIES

DIVISION 4. - INTERPRETATIONS OF ZONING ORDINANCE TEXT

DIVISION 1. - RULES OF CONSTRUCTION

Sec. 1-41. - Meanings and intent.

Sec. 1-42. - Difference of meaning between text and figures, illustrations.

Sec. 1-43. - Computation of time.

Sec. 1-44. - Delegation of authority.

Sec. 1-45. - Technical and nontechnical terms.

Sec. 1-46. - Public officials, bodies and agencies.

Sec. 1-47. - Mandatory and discretionary terms.

Sec. 1-48. - Conjunctions.

Sec. 1-49. - Tense, numbers and gender.

Sections. 1-50—1-71. - Reserved.

Sec. 1-41. - Meanings and intent.

All provisions, terms, phrases, and expressions contained in this Ordinance shall be constructed in accordance with the Ordinance's stated purposes.

Sec. 1-42. - Difference of meaning between text and figures, illustrations.

In cases of any difference of meaning or implication between the text of this Ordinance and any drawing, figure, or illustration, the text shall control.

Sec. 1-43. - Computation of time.

The time period within which an act is to be carried out shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded and the next business day shall count. In the computation of time for a Public Hearing

notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. Time-related terms shall have the meanings ascribed below:

1. The term "day" means a calendar day unless a business day is specified;
2. The term "week" means seven (7) calendar days;
3. The term "month" means a calendar month; and
4. The term "year" means a calendar year, unless a fiscal year is indicated.

Sec. 1-44. - Delegation of authority.

Whenever a provision appears requiring an officer or employee to perform an act or duty, it shall be construed as authorizing that officer or employee to delegate responsibility for performing the required act to other City employees, unless the provision specifies otherwise.

Sec. 1-45. - Technical and nontechnical terms.

Terms and phrases shall be construed according to the common and approved usage of the language, but technical terms and phrases that may have acquired a specific meaning in law shall be construed and understood according to such meaning.

Sec. 1-46. - Public officials, bodies and agencies.

All public officials, bodies and agencies to which reference is made are those of the City, unless otherwise indicated.

Sec. 1-47. - Mandatory and discretionary terms.

The term "shall" is always mandatory. The term "may" is permissive.

Sec. 1-48. - Conjunctions.

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

- (1) The term "and" indicates that all items, conditions, provisions or events are connected; and
- (2) The term "or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

Sec. 1-49. - Tense, numbers and gender.

Terms used in the past or present tense include the future as well as the past and present tense, unless the context clearly indicates the contrary. The singular shall include the plural and the plural shall include the singular, as the context suggests. Terms of one gender shall apply to persons regardless of gender.

Sections. 1-50—1-71. - Reserved.

DIVISION 2. - DEFINITIONS

Sec. 1-72. - Defined terms.

Sec. 1-73. - Purpose and scope.

Secs. 1-74—1-104. - Reserved.

Sec. 1-72. - Defined terms.

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

Accessory use or accessory structure means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in area, extent and purpose to the principal use or structure served; contributes to the comfort, convenience and necessity of occupants of the principal use or structure served; and is located on the same lot as the principal use or structure served.

Agriculture means the use of land or buildings for agricultural uses such as farming; dairying; pasturage agriculture; horticulture; floriculture; viticulture; and animal and poultry husbandry, except for agricultural uses that produce noxious odors, including the raising of hogs, pigs, or other livestock fed from garbage or offal; and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Arterial Street means those streets designated as arterial or future arterial on the City's major thoroughfare plan, included as part of Comprehensive Plan 2012, or constructed as such in accordance with Ordinance Nos. 2004-913, 2004-913A, 2005-918, 2009-991, and 2011-1059; Subdivision Regulations.

Automobile sales means the use of land or buildings for display and retail sales of new or used automobiles generally, which may include light trucks or vans, trailers, or recreation vehicles, and including any vehicle preparation or repair work conducted as an accessory use.

Automobile wrecking yard means the use of land or buildings for the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot of three (3) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard.

Barn means a large farm building used for storing grain, hay or straw or for housing livestock.

Buffer strip means open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Clear view triangle means a triangle clear of all obstructions to viewing including, but not limited to, fences, landscaping, and other natural or manmade objects to allow people to see oncoming traffic.

Collector Street means those streets designated as collector on the City's major thoroughfare plan, included as part of Comprehensive Plan 2012, or constructed as such in accordance with Ordinance Nos. 2004-913, 2004-913A, 2005-918, 2009-991, and 2011-1059, Subdivision regulations.

Commercial means an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Convenience retail means an establishment offering for retail sale prepackaged food products, household items and other goods commonly associated with the same, and having a gross floor area of less than five thousand (5,000) square feet.

Day care center means an establishment providing nonmedical care, protection and supervision for individuals on a regular basis, away from their primary residence for less than twenty four (24) hours per day. The term includes nursery schools, preschools and day care centers for adults and children.

Density means the number of dwelling units for each acre of land, calculated by dividing the total number of dwelling units in a development by the total acreage of the area of the development (including all lots, streets, easements, open space, water areas and lands with environmental constraints).

Dwelling means a building or portion of a building that is arranged, occupied or intended to be occupied as living quarters by one (1) family and includes facilities for sleeping, cooking and sanitation.

Dwelling, Multi-Family, means all dwellings which share a common wall between units (e.g., townhomes, condominiums, apartments, etc).

Dwelling, single-family detached, means all dwellings which are freestanding, on their own platted lots, and do not share any physical connection with another building.

Eating and drinking place means an establishment where the principal business is the sale of food or beverages in a ready-to-consume State. Typical uses include restaurants and other similar uses. This definition does not include an establishment that derives seventy five percent (75%) or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages.

Family means any number of individuals, related by blood, marriage, or adoption, and domestic servants for such a family, or a group of not more than four (4) persons who are not so related, living together as a single nonprofit housekeeping unit doing their own cooking.

Group homes means a licensed community home as defined by Ch. 123 of the Texas Human Resources Code and must have not more than six (6) persons with disabilities as and two supervisors residing in the home at the same time. The limitation on the number persons with disabilities applies regardless of the legal relationship of those persons to one another. The home may not be established within one-half (1/2) mile of an existing group home. The term group home shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. To qualify as a group home, an entity must provide the following services to persons with disabilities who reside in the home: 1. Food and shelter, 2. Personal guidance, 3. Care, 4. Habitation services, 5. Supervision.

Height, building, means the vertical distance between the average finished grade along the front of a building and the:

- (1) Highest point of the coping of a flat roof;
- (2) Deck of a mansard roof; or
- (3) Ridge line of a gable, hip or gambrel roof.

Home occupation means any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling.

Hospital means an institution that is licensed by the State or operated by an agency of the government to provide medical, surgical, psychiatric or emergency medical services to sick or injured persons, primarily on an in-patient basis. The term "hospital" shall not include nursing homes.

Industry, heavy, means an establishment engaged in the basic processing and manufacturing of products predominantly from extracted or raw materials; or the bulk storage and handling of such products and materials; or a use engaged in the storage of, or manufacturing processes involving, flammable or explosive materials; or storage or manufacturing processes that involve potentially hazardous materials or materials commonly recognized as offensive.

Industry, light, means an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic Industrial processing.

Library means a publicly operated facility housing a collection of books, magazines, audiotapes and videotapes, or other material for use by the general public.

Local Street means those streets designated as local on the City's major thoroughfare plan, included as part of Comprehensive Plan 2012, or any other streets that are not designated as arterial, collector, Interstate highway, or private on the plan, or any street constructed as such in accordance with Ordinance Nos. 2004-913, 2004-913A, 2005-918, 2009-991, and 2011-1059, Subdivision regulations.

Lot means a parcel of land that is, or is intended to be, separately owned, developed and otherwise used as a unit.

Lot area means the total horizontal area within the lot lines of a lot.

Lot line means a line dividing one lot from another lot or from a street or alley.

Major Thoroughfare means those streets designated as arterials and collectors on the City's major thoroughfare plan, included as part of Comprehensive Plan 2012, or constructed as such in accordance with Ordinance Nos. 2004-913, 2004-913A, 2005-918, 2009-991, and 2011-1059, Subdivision regulations.

Manufactured Home means a factory-built, single-family dwelling manufactured on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as defined in this section.

Manufactured Housing Park means a parcel of land under single entity ownership which has been platted and approved by the city and where lots are planned to be leased for the placement of

manufactured homes and accessory uses, meeting all requirements of this ordinance, the city's subdivision ordinance, and any applicable deed restrictions and state laws.

Manufactured Housing Subdivision means a parcel of land which has been platted and approved by the city and where lots are planned to be sold for the placement of manufactured homes and accessory uses, meeting all requirements of this ordinance, the city's subdivision ordinance, and any applicable deed restrictions and state laws.

Mobile home means a factory-built, single-family dwelling manufactured before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as defined in this section.

Nonconforming structure means buildings and structures constructed prior to May 17, 2012 that do not comply with the standards of the Zoning District in which such buildings or structures are located.

Nonconforming use means uses that were established prior to May 17, 2012 that do not conform to the use regulations of the Zoning District in which such uses are located.

Nonresidential means any use other than single-family detached, single-family attached, duplex, or Multi-Family dwelling.

Nursing home means an institution that is licensed by the State to provide in-patient services for persons needing regular medical attention and bed care services on a twenty four hour (24) basis, but excluding hospitals.

Office means an establishment providing executive, management, government, administrative or professional services, including out-patient medical services.

Park and recreation means a tract of land maintained by the federal, State or local government for the recreation and enjoyment of the general public.

Place of worship means a church or the use of land or buildings for regular assembly of people for worship and intended primarily for propagating a particular faith or religious belief.

Planned Unit Development or PUD means a contiguous area to be developed as a single entity according to a unified site design plan, containing one (1) or more of the following uses:

- (1) Residential;
- (2) Office;
- (3) Commercial;
- (4) Industrial;
- (5) Public or quasi-public; or
- (6) Any combination of the same.

Public house means an establishment that derives seventy five percent (75%) or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages. Also known as a bar.

Principal use or principal structure means a use or structure that is the primary and chief purpose for the use of land or buildings on a lot.

Private Street means a street or road located on land which is not in public ownership, but which may be open for public access.

Recreational Vehicle means a vehicular-type portable structure without a permanent foundation that can be towed, hauled or driven, is primarily designed as a temporary living accommodation for recreational, camping and travel use and includes, but is not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park means any lot of land upon which one (1) or more recreational vehicles are located, established, or maintained for occupancy as temporary living quarters.

Retail means an establishment engaged in the sale or rental of goods, merchandise or services, but excluding eating and drinking places. (See also *Convenience retail*.)

Safety Services means a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

School means the use of a site for instructional purposes on an elementary or secondary level, approved under the regulations of the State.

Screening means walls, fences, vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fences, vegetation or berms.

Setback means the distance between a building or structure and a property or lot line which establishes an area in which no part of the building or structure shall encroach or otherwise be constructed.

Sexually Oriented Business means an establishment consisting of, including, or having the characteristics of, but not limited to, any or all of the following:

- (1) **Adult Cabaret.** An establishment devoted to adult entertainment presenting materials distinguished or characterized by their emphasis on matters depicting, describing, or relating to sexual activities or anatomical genital areas or that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- (2) **Adult Motion Picture Theater.** An enclosed building or outdoor facility used for presenting motion pictures depicting, describing, or relating to sexual activities or anatomical genital areas.
- (3) **Adult Store.** An establishment having as a substantial or significant portion of its stock in trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matters depicting, describing, or relating to sexual activities or anatomical genital areas, or instruments, devices, or paraphernalia which are designed for use in connection with sexual activities.

Single-family residence means a structure that is detached from other structures or units that is designed primarily for the use of one (1) family and has a kitchen and a bathroom and sleeping areas.

Smoking Paraphernalia Establishment means a retail store where more than fifteen percent (15%) of the gross square footage of the establishment is dedicated to the sale, distribution, delivery, furnishing of smoking paraphernalia, from one person to another. Smoking paraphernalia shall mean paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in the Texas Health and Safety Code Chapter 481. Smoking paraphernalia includes, but is not limited to, pipes, bongos, and hookahs. Smoking paraphernalia also includes kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived or in manufacturing, compounding, converting, producing, processing or preparing a controlled substance. Smoking paraphernalia does not include lighters, matches, cigarette holders and device used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars. For purposes of this definition, smoking paraphernalia establishments may also be referred to as head shops.

Special use means a use or structure which does not specifically, or without special restriction, conform to the regulation of the Zoning District in which it is located, but which if controlled as to number, area, location or relation to the neighborhood is deemed to promote the health, safety or general welfare of the residents of the City, and for which a special use exception or condition has been recommended by the Planning and Zoning Commission and approved by the City Council in accordance with the Special Use Permit allowed under this Ordinance. Such conditions shall include, but not be limited to, site plan review, general plan submission, restrictive deed covenants and regulations, additional landscaping, and other conditions as appropriate and determined by the Planning and Zoning Commission and/or the City Council.

Subdivider means any person or any agent dividing or proposing to divide land so as to constitute a subdivision. In any event, the term "subdivider" shall be restricted to include only the owner of land sought to be subdivided.

Use by Right means a use or activity that qualifies under the section will be allowed as a matter of right in that zoning district, subject to all other applicable Zoning standards in the Ordinance and City Code requirements.

Sec. 1-73. - Purpose and scope.

For the purposes of interpreting and administering the provisions of this Ordinance, the terms defined in this division shall be given the meanings set forth in section 1-72. All other terms shall be given their common, ordinary meanings, as the context may reasonably suggest. In case of dispute over the meaning of a term not defined here or over the application of a definition set forth here, the City Administrator shall give an interpretation in accordance with sections 1-127 and 1-277(c).

Sections. 1-74—1-104. - Reserved.

DIVISION 3. - INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Sec. 1-105. - Boundaries, abandonment, and uncertainty.

Sec. 1-106. - New and unlisted uses.

Secs. 1-107—1-125. - Reserved.

Sec. 1-105. - Boundaries, abandonment, and uncertainty.

The provisions of this section shall govern interpretations regarding the location of Zoning District boundaries shown on the official Zoning map.

District boundaries following property lines. District boundaries shown as approximately following property lines shall be construed as following such property lines.

District boundaries following right-of-way lines. District boundaries shown as approximately following right-of-way lines of a street, highway, alley, railroad or other identifiable boundary shall be construed as following such right-of-way line or identifiable boundary.

District boundaries not following identifiable features. On un-subdivided land, or in instances where a Zoning District boundary follows no identifiable feature, the location of Zoning District boundaries shall be determined by using the map scale appearing on the official Zoning map, unless the District line is indicated by dimensions printed on the official Zoning map, in which case the printed dimensions shall control.

Street abandonments. Wherever any street, alley, or public way is abandoned or vacated by official action of the City Council, the Zoning Districts adjoining each side of such street, alley, or public way shall be automatically extended to the centerline of such abandonment or vacation and all area included in the abandonment or vacation shall be subject to the regulation of the extended Districts.

Uncertainties. Where existing physical or natural features contradict those shown on the official Zoning map or in case any other uncertainty exists, the location of District boundaries shall be determined by the City Administrator or his designee.

Sec. 1-106. - New and unlisted uses.

If the City Administrator determines that a proposed use is not a listed use or there is some ambiguity of its proper classification under the land use matrix, the City Administrator will make a determination regarding the appropriateness of the activity to the zone and surrounding uses. Challenges to the City Administrator's determination shall be made to the Board of Adjustment not more than thirty (30) days after receipt of the written notification.

Sections. 1-107—1-125. - Reserved.

DIVISION 4. - INTERPRETATIONS OF ZONING ORDINANCE TEXT

Sec. 1-126. - Purpose.

Sec. 1-127. - Authority.

Sec. 1-128. - Request for interpretation.

Sec. 1-129. - Rendering of interpretation.

Sec. 1-130. - Form.

Sec. 1-131. - Official record.

Sec. 1-132. - Appeal.

Sections 1-133—1-162. - Reserved.

Sec. 1-126. - Purpose.

The regulations of this division shall govern the rendering of written interpretations of the provisions of this Ordinance.

Sec. 1-127. - Authority.

The City Administrator shall have authority to make all written interpretations concerning the provisions of this Ordinance.

Sec. 1-128. - Request for interpretation.

A request for interpretation shall be submitted to the City Administrator in a form established by the City Administrator and made available to the public.

Sec. 1-129. - Rendering of interpretation.

Within ten (10) business days after a request for interpretation has been submitted, the City Administrator shall:

- (1) Review and evaluate the request in light of the text of this Ordinance, the official Zoning map, the comprehensive plan and any other relevant information;
- (2) Consult with other staff, as necessary; and
- (3) Render an opinion.

Sec. 1-130. - Form.

The interpretation shall be provided to the applicant in writing and sent to the applicant by mail.

Sec.1-131. - Official record.

The City Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

Sec. 1-132. - Appeal.

Appeals of written interpretations made by the City Administrator shall be taken to the Board of Adjustment within thirty (30) days after receipt of the interpretation. In considering such an appeal, the Board of Adjustment shall consider the interpretation and public testimony in light of the comprehensive plan, this Ordinance and the official Zoning map, whichever are applicable. The Board of Adjustment shall modify or reject the interpretation only if it is not supported by substantial competent evidence or if the interpretation is contrary to the comprehensive plan, this Ordinance, or the official Zoning map.

Sections. 1-133—1-162. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

DIVISION 2. - DISTRICT REGULATIONS AND USE TABLE

DIVISION 1. - GENERALLY

Sec. 1-163. - Districts established.

- Sec. 1-164. - Off-street parking.
- Sec. 1-165. - Landscaping.
- Sec. 1-166. - Fencing.
- Secs. 1-167—1-185. - Reserved.

Sec. 1-163. - Districts established.

(a) **Generally.** In order to implement the City comprehensive plan and promote the purposes of this Ordinance, the following Zoning Districts are established:

District Name	Maps Symbol
Residential acreage	R1
Residential lots	R2
Commercial	C
Industrial	I
Multi-family	MF
Special Use Permit	SUP
Community Facilities	CF
Planned Unit Development	PUD
Downtown District	DD
Manufactured Housing	MH

(b) **Applicable regulations.** The following regulations shall apply to all Districts:

- (1) **Lot design, arrangement and layout.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with all local regulations and in providing driveway access to buildings on the lots from an approved street.
 - a. the lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve any improvements constructed thereon;
 - b. the lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public or private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent public or private street right-of way;
 - c. the lot is of sufficient size and shape to accommodate all required improvements and detention areas; and
 - d. The minimum single-family residential lot size is six thousand (6,000) square feet.
- (2) **Lot Shapes.** Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles, or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

- (3) **Key or Flag Shaped Lots.** For the purposes hereof, a key or flag shaped lot shall mean a lot having gross disparities in width between side lot lines, sometimes resembling a flag on a flag pole, a key, or some other lot shape of comparable irregularity. Key or flag shaped lots shall be allowed if otherwise in compliance with the minimum lot size requirements of this and other applicable Ordinances of the City and provided that any such lot is at least fifty feet (50') in width at its building set-back line.
- (4) **Street Access Limitations.** Rear and side vehicular driveway access from lots to adjacent streets designated as major thoroughfares or any other public street which carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restriction shall be noted directly upon the plat and adjacent to the lots in question.
- (5) **Building lines.**
- a. Front: Twenty-five feet (25'); except cul-de-sac lots which may be twenty feet (20'). Cul-de-sac lots are lots adjacent to the actual cul-de-sac beginning at the curve of the street and do not consist of all lots on a cul-de-sac street;
 - b. Side: Five feet (5') on each side; and
 - c. Corner lots: Twenty-five feet (25') on the front; Fifteen feet (15') on street side; Five feet (5') on inner lot line side.
 - d. Exceptions: Planned Unit Development District consisting of a development of at least one thousand five hundred (1,500) acres which will result in the construction of more than seven hundred (700) single-family residential homes may plat not more than five percent (5%) of the development with side set-backs of zero feet (0') on one side and ten feet (10') on the other side to allow for the construction of specialty housing products. Such exceptions shall be allowed so long as the portion of the development in which specialty housing products are to be located is platted as a single section of development that has uniform lots sizes throughout the development.

Type of Development	Spatial Unit	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Front Setback (feet)	Side Setback (feet)	Lot Size (square feet)
Single Family				25	5	6000
	Corner Lot Street Side			25	15	6000
	Corner Lot Inner Lot Side			25	5	6000
	Cul de Sac Lot			20	5	6000
	Key Shaped	50		25	5	6000
Multi-Family				25		
	Corner			25	10	

(c) Minimum Multi-Family and apartment lot dimensions.

1. Maximum: eighteen (18) units per acre. This restriction shall be noted on the plat.
2. Building lines: twenty five feet (25') on front, ten feet (10') on side of corner lots. Generally, the front of the lot shall be defined as the side of the lot parallel to the main facade of the building or structure. Where there is a question, the front of a lot shall be defined as the side of the lot containing the driveway or front door.

(d) Minimum Manufactured Housing spacing.

1. A Subdivider may either plat one (1) master lot on which there may be located a manufactured housing home as defined by State law, or a Manufactured Housing Park or Manufactured Housing Subdivision, or several distinct lots wherein there is to be no common elements.
 - a. Individual lots not part of a manufactured housing park shall not be located closer than twenty (20) feet from any exterior wall to the closest exterior wall of the nearest manufactured home or building.
3. *Lot orientation.* The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.

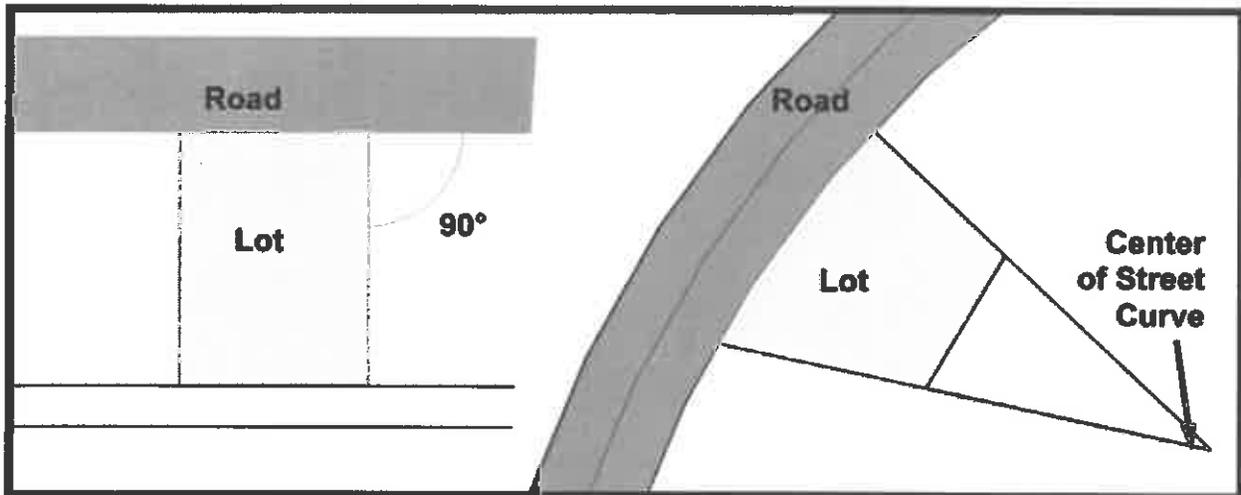


Figure E.

(6) Double frontage lots and access to lots.

- a. *Double frontage lots.* Double frontage shall be prohibited except for corner lots where two (2) streets bisect.
- b. *Access from major and minor arterials.* Lots shall not, in general, derive any access from a major thoroughfare. Where driveway access from a major thoroughfare may be necessary for several contiguous lots, the City Council may require that such lots be served by a private combined access drive in order to limit possible traffic hazards on the street.

(7) Soil preservation, grading, and seeding.

- a. *Soil preservation and final grading.* No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final Subdivision plat and the lot pre-covered with soil with an average depth of at least six inches (6") which shall contain no particles more than two inches (2") in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches (6") of cover on the lots and at least four inches (4") of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting. Sites where the natural vegetation is in place and sufficiently absorbs and distributes the drainage of the lots in the view of the City Engineer need not be disturbed.
- b. *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid draining into adjacent lots. The top of the slab or foundation on the lots shall be built to the higher of:
 - i. Twenty four inches (24") over the base flood elevation (when lot is in a floodplain);
 - ii. Eighteen inches (18") over the average terrain;
 - iii. Eighteen inches (18") over elevation of the crown of the road when drainage is by an open ditch; or
 - iv. Eighteen inches (18") over elevation of the curb when drainage is by a curb and gutter. All drainage requirements shall meet the county criteria manual standards per the City Engineer.
- c. *Lawn, grass, seed and sod.* Seeding and sod requirements should reflect local conditions. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty five feet (25") behind the principal residence on the lot. No certificate of occupancy shall be issued until re-grading of soil and seeding of lawn has been completed; except when the Subdivider or builder submits an agreement in writing signed by the Subdivider or builder and the property owner, with a copy to the City Administrator and City Engineer, that re-grading of soil and seeding of lawn will be done during the next planting season, and place on deposit with the City a cash escrow for performance in an amount determined by the City Administrator. Sod may be used to comply with any requirement of seeding set forth herein.

- (8) Debris and waste. No cut trees, timber, debris, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy on a Subdivision. No items and materials as described in the preceding sentence shall be

left or deposited in any area of the Subdivision at the time of expiration of any Subdivision improvement agreement or dedication of public improvements.

- (9) **Lot grading and elevation.** No building shall be commenced until each associated lot within a platted section of a Subdivision is graded or configured in accordance with the Subdivision's approved grading plan and in accordance with the minimum standards set forth in subsection (b)(7) of this section.

Sec. 1-164. - Off-street parking.

No new construction or expansion of an existing use shall be permitted without compliance with the following off-street parking regulations. Additionally, where existing parking areas are determined to be inadequate for use or occupation changes, these requirements shall be required.

- (1) **Dimensions.** Required off-street parking shall meet the following off-street parking requirements:

Parking Angle	Space Width (feet)	Space Length (feet)	Two-Way Traffic Aisle Width (feet)	One-Way Traffic Aisle Width (feet)
Parallel	9	20	N/A	12
45 degrees	9	18	25	14
60 degrees	9	18	25	18
90 degrees	9	18	22	22

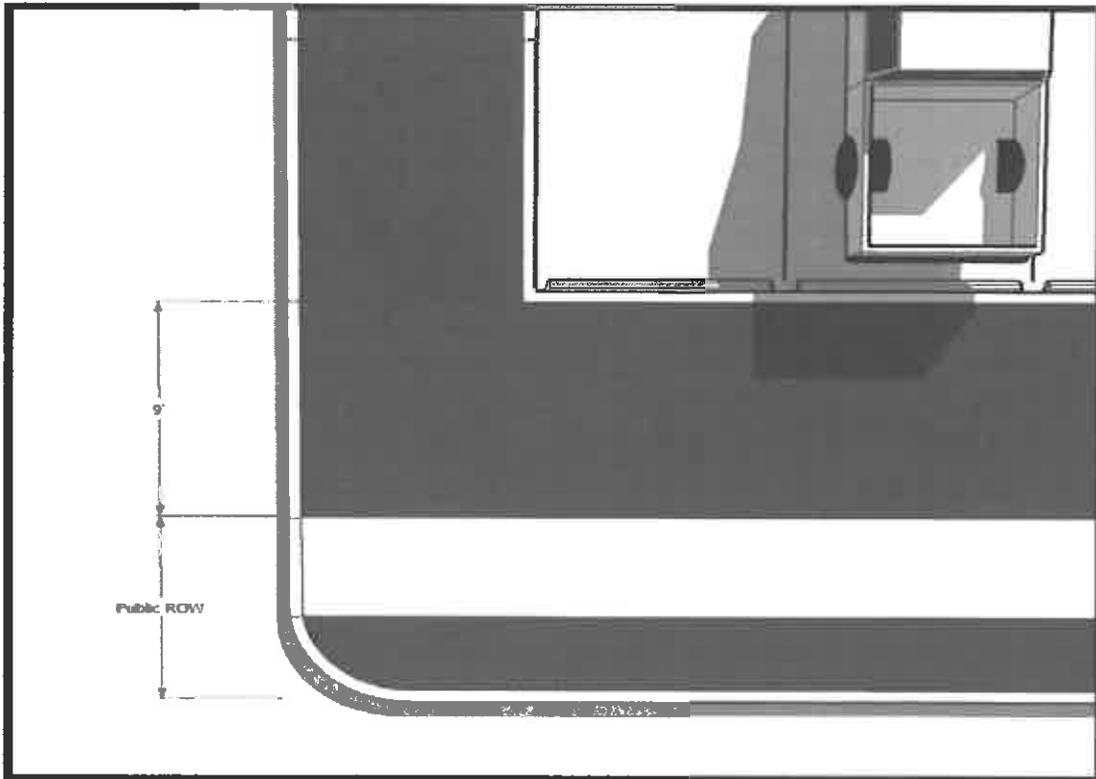
- (2) **Americans with Disabilities Act (ADA) requirements.** The following regulations shall be the minimum standards for the installation of accessible parking spaces. The existence of this section shall in no way supersede any revisions of the federal Ordinance governing these regulations and requirements. When there is conflict between the provisions, the more restrictive shall apply.

Total Parking Spaces in Lot	Minimum Disabled-Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2 percent of spaces
Over 1,000	20 spaces plus one space for every 100 spaces over 1,000

- (3) **General parking requirements.** Off-street parking shall meet the following general requirements. All parking lots shall be of concrete construction. Any fraction of a parking space derived mathematically by the City Administrator shall be construed to mean one

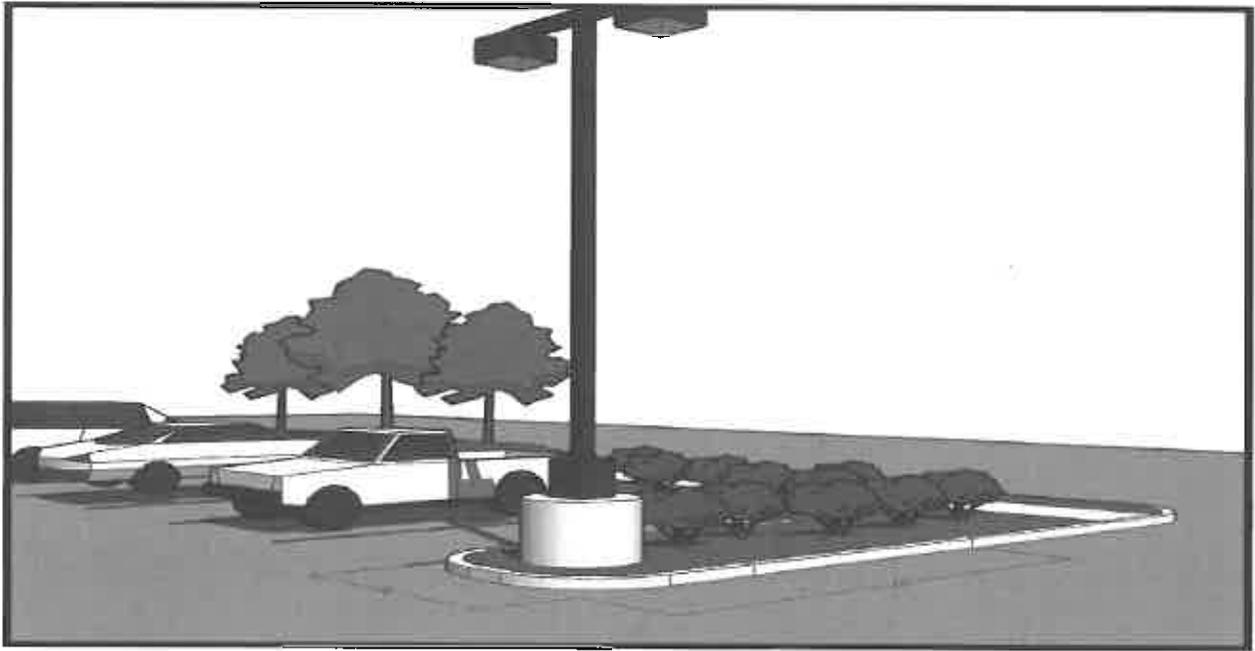
(1) additional lot (i.e., thirty one and twenty five hundredths (31.25) calculated spaces shall mean thirty two (32) spaces are required).

- a. Accesses to parking areas shall be coordinated with adjacent property owners and parking lots such that no more than one (1) access shall be allowed for every four hundred feet (400') of frontage.
- b. Residences in R1 and R2 Districts shall provide a minimum of two (2) parking spaces enclosed in a garage. These areas shall also provide a minimum of two (2) off-street parking spaces per residential unit. These may be located in the driveway portion of the lot. This shall apply to Manufactured Homes.
- c. Multi-Family (MF) District structures, including townhomes, apartments, duplexes, and other similar structures, shall provide a minimum of two and twenty five hundredths (2.25) parking spaces per unit, with at least one (1) of these spaces per unit covered.
- d. Commercial uses shall generally be required to provide one (1) parking space for every two hundred fifty (250) square feet of aggregate finished floor space. The following are exceptions to this rule:
 1. Automobile repair, service, carwash, places of worship, theaters, convenience store, and fitness centers shall have one (1) space for every two hundred (200) square feet of finished floor space.
 2. Hotels, motels, and other similar businesses, shall have a minimum of one and one half (1.5) parking spaces per bed.
 3. Day care, preschool, and similar uses shall provide a minimum of one (1) space per staff member plus one (1) space per five (5) students, calculated based on the maximum capacity of the school or day care.
- e. Institutional, manufacturing, and other heavy and light Industrial uses shall provide one (1) space per person employed on the highest use shift.
- f. Landscaping requirements in off-street parking lots.
 - (1) All parking areas adjacent to major arterials shall incorporate a nine-foot (9') minimum landscaped buffer area along the public right-of-way (see image below). Any ditch or other landscaped drainage easement shall not be counted towards this requirement.

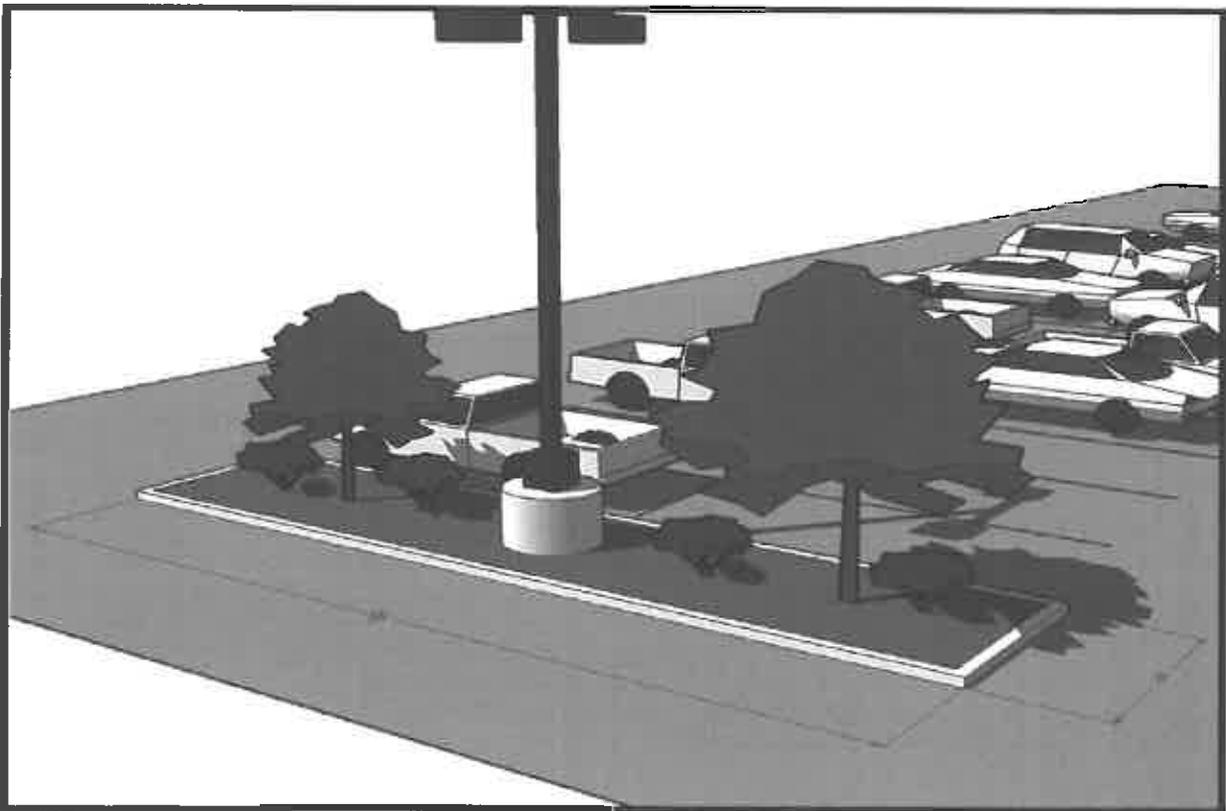


9' parking buffer

- (2) All parking rows are required to have landscaped islands at the ends of parking rows, and no more than ten (10) parking spaces in a row shall be allowed without a landscaped island. These islands shall contain parking lot lighting as required, and shall have a minimum of two (2) trees and four (4) shrubs. Single parking rows shall have islands that are a minimum overall dimension of nine feet (9') by eighteen (18') feet, or the standard dimension of one (1) parking space. Double parking rows shall have islands that are a minimum overall dimension of nine feet (9') by thirty six (36') feet. Angled parking shall meet the same dimensions as ninety (90) degree parking. See the images below for general guidelines.



Parking island layout – single row



Parking island layout – double row

- (3) Raised sidewalks shall be constructed in a manner that is compliant with all applicable federal and State regulations. Sidewalks shall be placed such that easy access is allowed from all parts of the parking lot (usually in the center of the parking lot). Sidewalks shall be a minimum of ten feet (10') wide and shall be raised a minimum of four inches (4") above the finished parking lot grade. Disabled access points shall be provided at parking row ends in connection with the landscaped islands at the end of the parking rows. See the illustration below for an example.

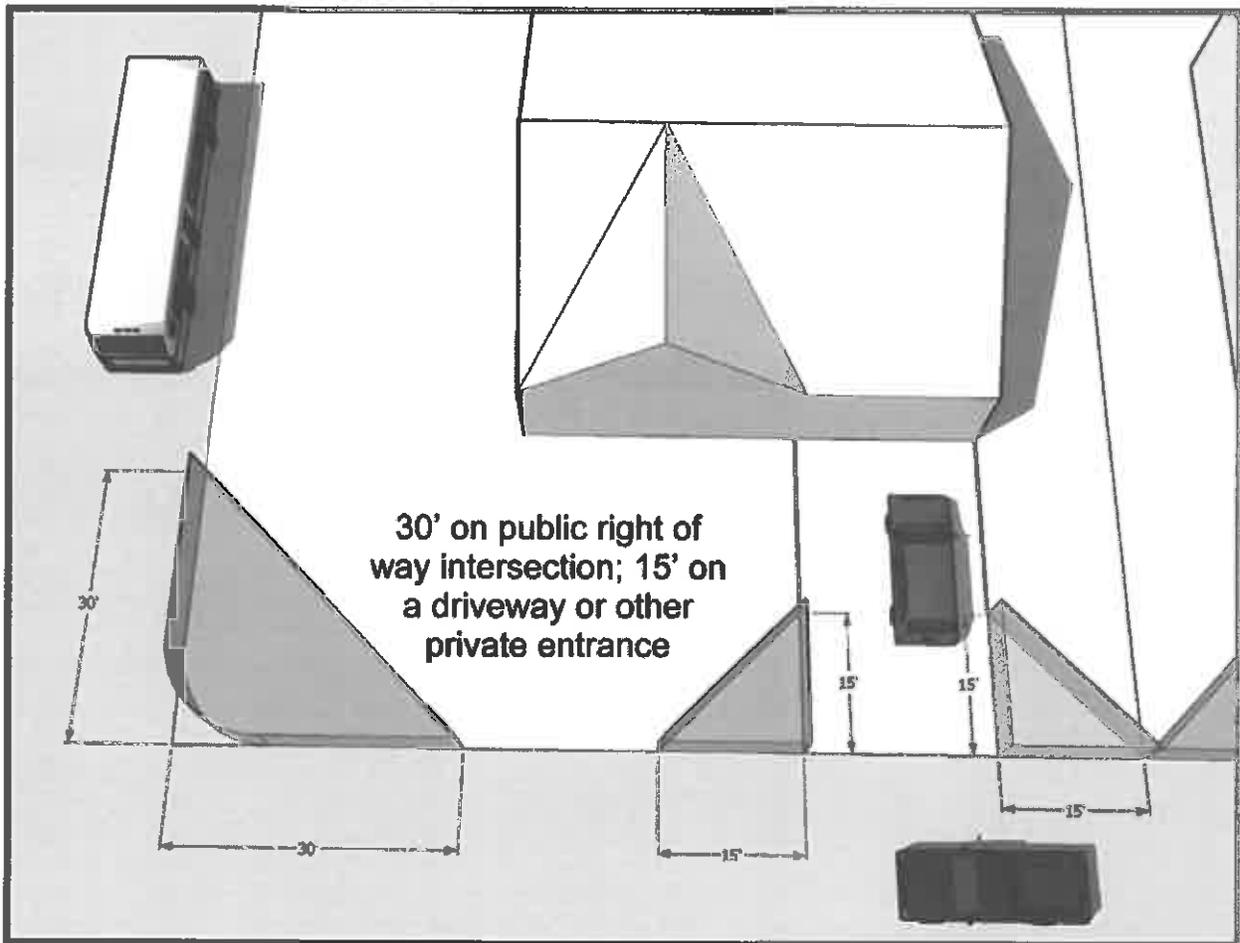


Raised walkway

Sec. 1-165. - Landscaping.

- (a) *Purpose.* The purpose of this section is to provide a standard throughout the City regarding minimum standards for landscaping. Landscaping is encouraged throughout the City as a buffer and screen against undesirable views and use separation.
- (b) *Required landscaping improvements.* The improvements listed and explained in this section shall be required of all new structures and any renovated structure where the renovation exceeds fifty percent (50%) of the replacement cost of the structure, as well as public right-of-way dedications, HOA-maintained common areas and open spaces, and any other public or quasi-public area.
- (c) *General provisions.* The following provisions shall apply to each property and development:

- (1) Newly constructed buildings in Commercial areas shall have automatic irrigation systems installed for watering landscaping, including parking lots, park strips, and areas near the building.
- (2) Landscaping shall be maintained by providing irrigation, removing weeds, trimming the lawn areas, and all other practical steps to ensure the health and aesthetics of the landscaped area. The topping of trees shall be strictly prohibited.
- (3) Trees projecting over any public right-of-way shall be trimmed and clear of the right-of-way to a height of fourteen feet (14') for the portion of the plant located in the proximity of the right-of-way.
- (4) No landscaping or fencing over three feet (3') high as measured from the crown of the road shall be allowed in the clear view triangle (see illustration below). In the case that a clear view triangle extends beyond a lot line, the clear view triangle shall remain clear of obstruction. Adjacent properties affected by another's clear view triangle may be eligible for compensation for adverse landscaping effects.



Clear view triangle

- (5) Lava rock or other crushed rock as a ground cover is generally prohibited, but may be allowed in paths and other accent locations. Large rocks (over twenty (20) lbs.) as decorative elements are permitted in connection with an overall landscaping approval.
 - (6) Trees shall not be planted on gas pipelines, drainage canals or ditches, or under overhead power lines. Trees may be planted along detention and retention basins and ponds as approved by the City Engineer, Planning and Zoning Commission, and City Council.
 - (7) Trees shall be preserved *in situ* to the extent possible. Some trees are less desirable due to the nature of the tree and the proposed use (e.g., disease-prone trees, invasive species, aggressive species, or messy fruit-bearing trees). These trees shall be removed at the discretion of the developer. The developer shall provide a plan showing all remaining trees over six inch (6") caliper measurement, marking those for removal and a replacement plan. Trees are not required to be moved, but replacements are required for each tree thus removed. Tree removal and replacement plans are subject to approval by the Planning and Zoning Commission.
- (d) *Landscaping plans.* All developments required to make landscaping improvements by this section shall submit a landscaping plan prepared by a licensed landscape architect or architect. Private residential areas shall be exempted from this requirement. City staff will review each landscaping plan submission for compliance with the Code for review by the Planning and Zoning Commission and City Council in connection with the remainder of the site plan submittal. Landscaping plans shall include at a minimum the following information:
- (1) The locations and dimensions of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, trash collection areas, and lighting. Landscaping plans in or adjacent to residential use areas shall include a photometric analysis of all exterior lighting, demonstrating light coverage and any spillover into adjacent properties.
 - (2) The plant names (both botanical and common), locations, quantity, and size of all existing and proposed plants. See subsection (f) of this section for additional information regarding proposed trees and plants. The proposed plan should show the size of the plants at maturity.
 - (3) The landscaping plans shall show all landscaping located within twenty feet (20') of the property line.
 - (4) Existing and proposed grading with six inch (6") interval contour lines.
 - (5) Irrigation plans shall be submitted showing fixtures, connection points, and irrigation lines.
 - (6) Proposed and existing fences and identification of fencing materials.
 - (7) A summary of the total percentage of landscaped areas, domestic turf grasses, drought tolerant plants, as well as an estimate of the costs associated with the landscaping improvements.
- (e) *Completion of landscaping improvements.* All landscaping improvements shall be completed in compliance with the approved site plan, landscaping planting plan, and irrigation plan and must be completed prior to the issuance of a certificate of occupancy. Exceptions may be

granted where weather factors prohibit the timely implementation of the schedule. In such cases, an extension not to exceed six (6) months may be permitted. A surety or cash bond of not less than one hundred ten percent (110%) of the total value of the landscaping shall be in place before the exception is permitted. The bond will be held until the project is in full compliance with the approved landscape and site plans and the provisions in this section.

(f) *Planting standards and design guidelines.* The following planting standards reflect the minimum that will be acceptable to the City for landscaping as required in this section. These design guidelines are an enumeration of specific preferences pertaining to landscaping encouraged by the City. These guidelines are to be used by the Planning and Zoning Commission and City Council in their review of acceptable landscaping plans.

(1) *Planting standards for new development.* The following are planting standards that shall be followed for all new development (note: all caliper measurements reflect the diameter at breast height or dbh):

- a) *Deciduous trees.* All deciduous trees shall have a minimum trunk size of two and one half inches (2½") in caliper.
- b) *Evergreen trees.* All evergreen trees shall have an overall height of five feet (5').
- c) *Ornamental trees.* All ornamental trees shall have a minimum trunk size of one and one half inches (1½") in caliper.
- d) *Shrubs.* All shrubs shall have a minimum height or spread of eighteen inches (18").
- e) *Turf.* No landscaping shall be of greater than seventy percent (70%) turf.
- f) *Drought tolerant plants.* Drought tolerant species of trees and plants shall make up no less than fifty percent (50%) of all trees and shrubs.

(2) *Guidelines for landscape plan review.* The following guidelines shall be used when reviewing submitted landscaping plans:

- a) *Selection of plants.* Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
- b) *Evergreens.* Evergreens shall be incorporated into the landscape wherever screening and buffering are required.
- c) *Softening of long walls, fences, or building facades.* Plants shall be placed intermittently along expanses of walls, fences, or building facades greater than ten feet (10') in order to create a softening effect.
- d) *Planting beds.* Planting beds are encouraged to be mulched with wood chips or other similar treatment. Planting beds may not be mulched with decorative rock, lava rock, crushed granite, or any other kind of rock unless the rock areas are under layered with a weed preventing barrier.
- e) *Conservation of water.* Required irrigation systems shall use the highest and best technology available in order to conserve water. This may include drip

water systems, electronic timers, soil moisture detectors, and other similar systems.

- f) *Energy conservation.* Placement and selection of plants may help reduce energy consumption. Placing deciduous trees on the west and south sides of buildings provides shade in the summer months. Further, placement of evergreen trees along wind corridors shelters buildings from the effects of strong winds.
 - g) *Preservation of existing vegetation.* Wherever feasible, existing vegetation shall be retained and incorporated into the new landscaping plan for the site.
 - h) *Berms.* Landscaping along major thoroughfares shall incorporate earthen berms as a screen from traffic or other adjacent land uses.
 - i) *Landscape placement near buildings.* Landscaping adjacent to buildings shall receive special scrutiny, particularly where there is a large expanse of unbroken facade.
- (3) *Assessment of required landscaping.* Areas of a development that are not covered by parking, structures, or other impervious surfaces shall be landscaped according to this section in all zones.
- (4) *Single-family residential landscaping requirements.* All single-family residential lot landscaping shall be installed within one (1) year for front yards and two (2) years for rear yards after receiving the certificate of occupancy. Landscaping in residential areas shall be of the same type and general nature as exists in the City (e.g., grass, shrubs, and trees as appropriate). All common areas in residential areas shall be landscaped prior to the issuance of the certificate of occupancy.

Sec. 1-166. - Fencing.

- (a) *Purpose.* The purpose of this section is to provide a standard throughout the City regarding the minimum standards for fencing. Fencing is encouraged throughout the City as a buffer and screen against undesirable views and use separation.
- (b) *Generally.*
- (1) All trash collection areas of Commercial developments shall be screened by fencing or landscaping or both.
 - (2) No barbed wire, concertina wire, razor wire, barbed tape, or similar wire-type fences shall be allowed in any District except for the R1 District. Barbed wire may be allowed in areas requiring security, but all fencing shall be subject to all height restrictions, and barbed wire shall be located along the top of an approved fence below. In addition, no chain link fences shall be allowed in the front yard area of any lot.
- (c) *Screening and fencing regulations.* The following provisions shall govern the height, materials, and styles of fences throughout the City:

- (1) Properties within the R-2 Residential Zoning District having fences exceeding three feet (3') in height shall not extend into the front yard (past the front building line or furthest projection of the building) of any lot. Properties within the R-1 Residential Zoning District may have fences of up to five feet (5') in height and may extend into the front yard past the front building line. Properties within the Downtown District with Agricultural usage at the time of adoption of this Ordinance shall be permitted to have fencing of the same type and standard as found in the R-1 Residential District. Properties within the Downtown District that did not have an Agricultural use at the time of the adoption of this Ordinance shall follow the same type and fencing standards as found in the R-2 Residential District.
- (2) Fences in the front of any Residential property shall be of a semiprivate nature, not to exceed fifty percent (50%) total blockage. Thus, the spaces between solid fencing must be at least as wide as the solid portions.
- (3) Fences over six feet (6') in height and all retaining walls in excess of eighteen inches (18") shall require a building permit.
- (4) Double frontage corner lots may have a fence along the rear of the property line. Such a fence must be installed with a mow strip and be located immediately adjacent to the sidewalk, curb and gutter, or street. Fencing extending to the rear of the double-frontage lot beyond the front building lines of adjacent properties is limited to three feet (3') in height. Any such fence shall provide for a twenty foot by twenty foot (20' X 20') visibility triangle so as not to hinder traffic sight lines.
- (5) If a lot has a drainage ditch in the rear of the lot, fencing is limited to three feet (3') in height, must have an access gate, and shall be semiprivate fencing. This is to allow the property owner access to the drainage ditch for maintenance of the landscaping in that area.
- (6) All fencing in connection with Multi-Family, Commercial, or Industrial developments shall receive approval with the site plan review from the Planning and Zoning Commission and City Council.
- (7) The use of solid walls (e.g., concrete, concrete block, or stucco) for screening purposes is required for trash receptacle area enclosures on three (3) sides for commercial uses.
- (8) The use of solid walls for screening or property line delineation in all other circumstances is to be strictly avoided. In places where the Planning and Zoning Commission deems appropriate (i.e., where the use is unsightly, noisy, or dangerous and a solid wall is required), such walls shall have a landscaping border of not less than six feet (6') as a buffer to adjacent properties. This border shall follow the entire length of the property line where the wall is constructed.
- (9) Fencing around utility substations shall be of wrought iron or brick and shall require a permit from the City.

Sections. 1-167—1-185. - Reserved.

DIVISION 2. - DISTRICT REGULATIONS AND USE TABLE

- Sec. 1-186. - Residential Acreage Use (R1) District regulations.
- Sec. 1-187. – Residential Lot (R2) District regulations.
- Sec. 1-188. - Commercial (C) District regulations.
- Sec. 1-189. - Industrial (I) District regulations.
- Sec. 1-190. - Multi-Family (MF) District regulations.
- Sec. 1-191 – Community Facilities (CF) District regulations
- Sec. 1-192 – Planned Unit Development (PUD) District regulations.
- Sec. 1-193 – Downtown (DD) District regulations.
- Sec. 1-194 – Manufactured Housing (MH) District regulations
- Sec. 1-195. - Land use types summarized on land use table.
- Sec. 1-196. - Land use categories table.
- Secs. 1-197—1-224. - Reserved.

Sec. 1-186. – Residential Acreage (R1) District regulations.

- (a) *Purpose.* The residential acreage (R1) District is intended to accommodate agricultural and very low-density single-family residential uses.
- (b) *Uses permitted by right.* In the residential acreage (R1) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:
 - (1) Single-family detached dwellings on single lots no smaller than one (1) acre;
 - (2) Safety services;Public parks and recreational facilities;
 - (3) Agricultural uses; and
 - (4) Group Homes.
- (c) *Special uses.* The following uses of land and structure are permitted in this District if they meet the supplementary use standards outlined in section 1-225
 - (1) Place of worship;
 - (2) Schools;
 - (3) Pre-school;
 - (4) Day care centers;
 - (5) Home occupations;
 - (6) Public/private residential facilities;
 - (7) Private/quasi-public schools;
 - (8) Hospital; and
 - (9) Library.
- (d) *Special use permits.* The following uses of land and structure are permitted in this District if they are approved in the process outlined in section 1-283:
 - a. Private Kennel;
 - b. Stables; and

c. Private parks and recreational facilities.

(e) *Permitted accessory uses.* The following are permitted accessory uses:

- (1) Those accessory uses permitted under section 1-226;
- (2) Any structural or mechanical permitted use, and a use customarily incidental to the permitted use; and
- (3) Off-street parking attributable to the permitted use.

Sec. 1-187. – Residential Lot (R2) District regulations.

(a) *Purpose.* The residential lot (R2) District is intended to accommodate a majority of the anticipated single-family residential development in the City during the next twenty (20) years. The R2 District will provide for a residential environment dominated by single-family detached dwellings in platted Subdivisions as well as alternative residential types. Excluded are uses of nonresidential character including Commercial and Industrial uses.

(b) *Uses permitted by right.* In the residential lot (R2) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:

- (1) Single-family detached dwellings on single lots;
- (2) Places of worship;
- (3) Safety services;
- (4) Parks and recreational facilities; and
- (5) Group Homes.

(c) *Special uses.* The following uses of land and structure are special uses in this District and must meet the supplementary use standards outlined in section 1-225

- (1) School;
- (2) Home occupation; and
- (3) Library.

(d) *Permitted accessory uses.* The following are permitted accessory uses:

- (1) Those accessory uses permitted under section 1-226;
- (2) Any structural or mechanical use customarily incidental to the permitted use; and
- (3) Off-street parking attributable to the permitted use.

Sec. 1-188. – Commercial (C) District regulations.

(a) *Purpose.* The Commercial (C) District is intended to allow the development of Commercial activity. The District will incorporate existing Commercial and institutional uses and accommodate a variety of future neighborhood retail and community services.

(b) *Uses permitted by right.* In the Commercial (C) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:

- (1) Safety Services;
- (2) Parks and Recreation;
- (3) Eating and drinking places;
- (4) Retail;
- (5) Convenience Retail;
- (6) Office;
- (7) Automobile sales;
- (8) Day Care Center;
- (9) Place of Worship;
- (10) Art gallery or museum; and
- (11) Thrift shops or secondhand stores;

(c) *Special Uses.* The following uses of land and structures are permitted in this District if the meet the supplementary use standards outlined in section 1-225

- (1) School;
- (2) Library;
- (3) Hospital; and
- (4) Home Occupation;

(d) *Special use permits.* The following uses of land and structure are permitted in this District if they are approved in the process outlined in section 1-283:

- (1) Animal Shelters or veterinary offices housing animals outdoors, kennels, stables, or any other use that keeps animals outdoors;
- (2) Temporary use stands, such as fruit or vegetable stands, hot dog or taco stands, snow cone shacks, and other establishments of a similar nature. Exceptions may be permitted for special events (e.g. carnivals, parades, etc.), but such exceptions shall be for a maximum period of seventy two (72) hours (three operational days);
- (3) Automobile repair – new and used parts and service, enclosed (not salvage yards or similar);
- (4) Public House; and
- (5) Single family detached dwellings on single lots; Single family homes may be restored or replaced if they are substantially destroyed as described in Sec. 1-317.

(e) *Prohibited uses.* The following uses of land and structure are expressly prohibited in this District:

- (1) Gambling halls, parlors, or other establishments for gaming (including 8-liners, card tables, slot machines for prizes, and other similar devices) retail liquor establishments, except grocery stores;
- (2) Private clubs;
- (3) Tattoo parlors and body piercing establishments;
- (4) Palm readers, palmistry shops, psychics and tarot card readers;
- (5) Smoking paraphernalia establishments or any other kind of associated paraphernalia retail outlets;
- (6) Stores or shops where tobacco sales account for more than fifty percent (50%) of the retail sales;
- (7) Pawnshops or shops containing remaindered goods;
- (8) Check cashing, title loan, short term loan, or payday loan offices;
- (9) Mobile homes or HUD Manufactured Homes; and
- (10) Other uses not conducive to the orderly and attractive function of the main street area of the City. These uses include those that affect the health, safety, and welfare, offend the morals and values, or create a nuisance to the community. The City Council shall give a reasoned determination for the prohibition of any proposed use which must be approved by a unanimous vote of all Council members.

This prohibition does not imply that these uses will be allowed in other Districts.

(f) *Permitted accessory uses.* The following are permitted accessory uses:

- (1) Those accessory uses permitted under section 1-226
- (2) Any structural or mechanical use customarily incidental to the permitted use; and
- (3) Off-street parking attributable to the permitted use.

Sec. 1-189 – Industrial (I) District regulations.

(a) *Purpose.* The purpose of this District is to regulate those uses of the land and structures that involve the manufacturing, assembly, processing, storage, or distribution, sale, and repair of materials, goods, parts, products, equipment, machinery, other such operations incidental to Industrial uses, and Sexually Oriented Businesses, pursuant to V.T.C.A., Local Government Code Ch. 243 and as set forth herein. Residential uses are prohibited in this District. Those residential uses that existed at the time of adopting this Ordinance may continue as nonconforming uses and the applicable nonconforming use regulations shall apply. Specific Industrial uses are not excluded from this District, however, all proposed Industrial uses and Sexually Oriented Businesses and requests for Industrial Zoning and Sexually Oriented Businesses shall be accompanied by a development site plan. Where the intended use may cause a detrimental change to the environment or substantially affect the public utility or thoroughfare systems. Sexually Oriented Businesses are subject to the permit process set forth in section 1-225.

(b) *Uses permitted by right.* In the Industrial (I) District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this division:

- (1) Pawn shops;
- (2) Automobile display or sales, repair garage, tire or seat cover shop;
- (3) Automobile used car sales;
- (4) Blacksmithing;
- (5) Carpentry, painting, plumbing, or tin smithing shop (including contractor's shop or storage);
- (6) Ceramic or pottery manufacture - with dust, odor, and fume control;
- (7) Manufacturing of saddles, other leather products, jewelry, draperies or interior decorations;
- (8) Radio or television broadcasting stations or studios with on-site towers;
- (9) Textile manufacturing;
- (10) Wholesale distribution and warehousing- no outside storage;
- (11) Woodworking or planing mill - with dust, odor, and fume control;
- (12) Accessory buildings and uses customarily associated with any of the above establishments to which they refer, except that they shall not be placed within any required setback; and
- (13) Outdoor storage, mini-storage, self-storage, or facilities requiring the storage of goods or equipment outside (e.g. truck or van rentals, heavy equipment rentals, outdoor nurseries, etc.).

(c) *Special Uses.* The following uses of land and structures are permitted in this District if they meet the supplementary use standards outlined in section 1-225.

- (1) Sexually Oriented Businesses.

(d) *Permitted accessory uses.* The following are permitted accessory uses:

- (1) Those accessory uses permitted under section 1-226;
- (2) Any structural or mechanical use customarily incidental to the permitted use;
and
- (3) Off-street parking attributable to the permitted use.

(e) *Prohibited uses.* The following uses of land and structure are expressly prohibited in this District:

- (1) Mobile homes or HUD Manufactured Homes

Sec. 1-190 – Multi-Family (MF) District regulations.

- (a) *Purpose.* This District allows medium to high density Multi-Family dwellings and is intended to comprise larger tracts of land which provide total residential amenities such as open space, recreation space, and areas of protected off-street parking.
- (b) *Uses permitted by right.* In the Multi-Family (MF) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:
 - (1) Single family, detached dwellings on single lots;
 - (2) Multi-Family dwellings;
 - (3) Safety services;
 - (4) Parks and recreational facilities; and
 - (5) Group Homes.
- (c) *Special Uses.* The following uses of land and structure are permitted in this District if they meet the supplementary use standards outlined in section 1-225.
 - (1) School;
 - (2) Home occupations;
 - (3) Library;
 - (4) Hospital; and
 - (5) Day Care Center.
- (d) *Permitted accessory uses.* The following are permitted accessory uses:
 - (1) Those accessory uses permitted under section 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use;
 - (3) An accessory building necessary to store equipment for several dwelling units or provide service function for several dwelling units. No such accessory building shall be occupied as a place of abode. Any accessory building which is not a part of the main building shall be separated from the main building by a minimum of ten feet (10'); and
 - (4) Off-street parking attributable to the permitted use.

Sec. 1-191 – Community Facilities (CF) District regulations.

- (a) *Purpose.* This District is intended to provide areas for public and semiprivate institutions, health care facilities and identify certain existing public and semipublic park and recreational areas as well as public land and facilities used for educational and governmental purposes.
- (b) *Uses permitted by right.* In the Community Facilities (CF) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division
 - (1) Public parks, open space, or other public area purchased or dedicated for recreational purposes;

- (2) Except as provided herein, facilities of the government of the United States, State of Texas, or a political Subdivision thereof; and
 - (3) Semipublic lands and facilities primarily used for providing recreational facilities or open space for residents of a particular residential Subdivision.
- (c) *Special Uses.* The following uses of land and structures are permitted in this District if they meet the supplementary use standards outlined in section 1-225:
- (1) Place of worship;
 - (2) School;
 - (3) Hospital; and
 - (4) Library
- (d) *Permitted accessory uses.* The following are permitted accessory uses:
- (1) Those accessory uses permitted under section 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use; and
 - (3) Off-street parking attributable to the permitted use.

Sec. 1-192. - Planned Unit Development (PUD) District regulations.

- (a) *Purpose.* The intent of the Planned Unit Development (PUD) District is to provide a flexible, alternative Zoning procedure to encourage innovative design for the unified and planned development of large tracts of land. The PUD District is designed to allow the development of integral land use units, such as residential developments of mixed housing types, retail centers, office parks, light Industrial parks, or any appropriate combination of these uses, in a planned environment and developed and/or operated as a unified development. All PUD development approvals shall be valid for a period of not more than two (2) years from the date of approval unless a phasing plan is presented at the time of approval.
- (b) *Uses permitted subject to Planned Unit Development site plan.* Deviation from the regulations established in this section applicable to particular uses may be permitted when the owner and developer demonstrate that adequate provisions have been made in the Planned Unit Development for sufficient light and air, that the density of the development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases, and that the public health, safety and general welfare will be protected. However, higher and more restrictive specific standards for use, density, height, lot area, setback, visual screens, landscaping, parking, sign control and open space may be adopted as part of the development site plan by a PUD District amending Ordinance.

Sec. 1-193. – Downtown District (DD) regulations.

- (a) *Purpose.* The Downtown (DD) District is intended to allow the development of a town center (a mixed use traditional small town core) as outlined in the City comprehensive plan. The District will incorporate existing Commercial and institutional uses at the heart of the new

town area and accommodate a variety of future neighborhood retail and community services, as well as housing. To ensure that future Commercial development is consistent with the town center concept and does not detract from residential development within the District, site plan reviews are required for all Commercial uses conditionally permitted in the District.

(b) *Uses permitted by right.* In the Downtown (DD) District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this division:

- (1) Single-family, detached dwellings on single lots;
- (2) Single-family townhouses on separate lots;
- (3) Safety services; and
- (4) Parks and recreational facilities (public).

(c) *Special uses.*

(1) The following uses of land and structures are permitted in this District if they meet the supplementary use standards outlined in section 1-225.

- a. School;
- b. Convenience retail;
- c. Home occupations; and
- d. Hospital.

(2) *Special use permits.* The following uses of land and structure are permitted in this District if they are approved in the process outlined in section 1-283:

- a. Temporary use stands, such as fruit or vegetable stands, hot dog or taco stands, snow cone shacks, and other establishments of a similar nature. Exceptions may be permitted for special events (e.g., carnivals, parades, etc.), but such exceptions shall be for a maximum period of seventy two (72) hours (three operational days).
- b. Animal shelters or veterinary offices housing animals outdoors, kennels, stables, or any other use that keeps animals outdoors; and
- c. Automobile repair – new and used parts and service, enclosed (not salvage yards or similar).
- d. Multi-Family dwellings;
- e. Eating and drinking places;
- f. Retail (including grocery stores and large-scale retail establishments);
- g. Office;
- h. Place of worship;
- i. Day care center;

- j. Library;
- k. Public House; and
- j. Thrift shops or secondhand stores.

(d) *Prohibited uses.* The following uses of land and structure are expressly prohibited in this District:

- (1) Gambling halls, parlors, or other establishments for gaming (including 8-liners, card tables, slot machines for prizes, etc.);
- (2) Retail liquor establishments, except grocery stores;
- (3) Private clubs;
- (4) Tattoo parlors and body piercing establishments;
- (5) Palm readers, palmistry shops, psychics, and tarot card readers;
- (6) Smoking Paraphernalia establishments or any other kind of associated paraphernalia retail outlets;
- (7) Stores or shops where tobacco sales account for more than fifty percent (50%) of the retail sales;
- (8) Outdoor storage, mini-storage, self-storage, or facilities requiring the storage of goods or equipment outside (e.g., truck or van rentals, heavy equipment rentals, outdoor nurseries, etc.); Automobile repair facilities, auto parts retail or wholesale facilities, tire repair or replacement facilities, and other automotive related establishments, including express lube shops;
- (9) Pawnshops or shops containing remaindered goods;
- (10) Check cashing, title loan, short term loan, or payday loan offices; and
- (11) Other uses not conducive to the orderly and attractive function of the main street area of the City. These uses include those that affect the health, safety, and welfare, offend the morals and values, or create a nuisance to the community. The City Council shall give a reasoned determination for the prohibition of any proposed use which must be approved by a unanimous vote of all Council members.

This prohibition does not imply that these uses will be allowed in other Districts.

(e) *Permitted accessory uses.* The following are permitted accessory uses:

- (1) Those accessory uses permitted under section 1-226;
- (2) Any structural or mechanical use customarily incidental to the permitted use; and
- (3) Off-street parking attributable to the permitted use.

Sec. 1-194. – Manufactured Housing (MH) District regulations.

(a) *Purpose.* The Manufactured Home District is the only District in which a Manufactured Home may be placed, with the exception of the placement of a Manufactured Home or Recreational Vehicle provided by any governmental agency as temporary housing following

any public disaster or calamity or for hardship situations including the construction, remediation, or remodeling of a residence, as determined by the City Council, designated as a homestead for a period of time not to exceed six (6) months as approved by the City Council. The City Council may grant one additional extension for no more than six (6) months. Manufactured Homes will be allowed as a matter of right in this zoning district, subject to all other applicable Zoning standards in the Ordinance and City Code requirements. Manufactured Homes are not permitted in other Zoning Districts and in order to allow for a broad range of housing types the Manufactured Home District provides the ability to construct and operate Manufactured Home parks and Manufactured Home Subdivisions. Manufactured Home parks will meet the need for well-designed and operated areas for the leasing or temporary placement of Manufactured Homes. The Manufactured Home Subdivision will allow for the design, construction and sale of lots specifically designed for manufactured housing units which will be permanently affixed to the ground by permanent foundations and connected to public utility services in a like manner as conventionally on-site constructed homes.

(b) *Uses permitted by right.* In the MH Manufactured Home District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one (1) or more of the following uses:

- (1) Manufactured Homes and Manufactured Home parks;
- (2) Single-family detached dwellings on single lots;
- (3) Place of worship;
- (4) Safety services;
- (5) Parks and recreational facilities; and
- (6) Group Homes.

(c) *Special uses.* The following uses of land and structure are special uses in this District and must meet the supplementary use standards outlined in section 1-225.

- (1) School;
- (2) Home occupation; and
- (3) Library.

(d) *Permitted accessory uses.* The following are permitted accessory uses:

- (1) Those accessory uses permitted under section 1-226;
- (2) Any structural or mechanical use customarily incidental to the permitted use; and
- (3) Off-street parking attributable to the permitted use.

Sec. 1-195. - Land use types summarized on land use table.

Purpose. The use table of this section provides a tabular summary of the land use types permitted within each Zoning District. The table is intended for reference only and does not necessarily reflect all of the regulations that may apply to a particular use or Zoning District. In the event of conflict between the use table and the regulations found within the individual District sections of this article

(sections 1-186 through 1-194), the more restrictive of the individual District regulations shall control.

- (1) *Permitted by right.* Uses identified with a "P" are permitted by right and shall be permitted in the corresponding District subject to all other applicable Zoning standards in this Ordinance and City Code requirements.
- (2) *Special use.* Uses identified with an "SU" are permitted shall be permitted in the corresponding District only in compliance with the supplementary use standards referenced and identified in section 1-225 and subject to all applicable Zoning standards in this Ordinance and City Code requirements. These uses require Planning and Zoning Commission recommendation and City Council approval.
- (3) *Not permitted.* Uses not identified in a particular District column of the use table as permitted by right are not allowed in such District ("NP") unless otherwise expressly permitted by other regulations of this Ordinance.
- (4) *Special Use Permit.* Uses identified with an "SUP" are not permitted by right but shall be permitted in the corresponding District only in compliance with the supplementary use standards referenced and identified in section 1-283 and subject to all applicable Zoning standards in this Ordinance and City Code requirements. These uses require Planning and Zoning Commission recommendation and City Council approval.

Sec. 1-196. - Land use categories table.

Land Use	R1	R2	Commercial	Multi-Family	Industrial	Planned Unit Development	Community Facilities	Downtown District	Manufactured Housing
Residential									
Single-family	P	P	SUP	P	NP	PUD	NP	P	P
Multi-Family	NP	NP	NP	P	NP	PUD	NP	SUP	NP
Manufactured Housing	NP	NP	NP	NP	NP	NP	NP	NP	P
Home Occupations	SU	SU	SU	SU	NP	SU	NP	SU	SU
Commercial									
Eating and drinking places	NP	NP	P	NP	NP	PUD	SU	SUP	NP
Public House	NP	NP	SUP	NP	NP	PUD	NP	SUP	NP
Retail	NP	NP	P	NP	SU	PUD	NP	SUP	NP
Convenience retail	NP	NP	P	NP	NP	PUD	NP	SU	NP
Office	NP	NP	P	NP	NP	PUD	NP	SUP	NP
RV park	NP	NP	NP	NP	NP	NP	NP	NP	P
Automobile repair (parts and service)	NP	NP	SUP	NP	P	PUD	NP	SU	NP
Automobile sales	NP	NP	P	NP	P	PUD	NP	NP	NP
Automobile wrecking yard	NP	NP	NP	NP	P	PUD	NP	NP	NP
Private Kennels/stables	SUP	NP	SUP	NP	NP	PUD	NP	SU	NP
Industrial									
Heavy Industrial	NP	NP	NP	NP	SU	NP	NP	NP	NP
Light Industrial	NP	NP	NP	NP	P	NP	NP	NP	NP
Pawn Shops	NP	NP	NP	NP	P	NP	NP	NP	NP
Sexually Oriented Business	NP	NP	NP	NP	SU	NP	NP	NP	NP
Civic and institutional uses									
Place of worship	SU	P	P	SU	NP	PUD	SU	SUP	P

School	SU	SU	SU	SU	SU	NP	PUD	SU	SU	SU	SU
Day care center	SU	NP	P	SU	NP	NP	PUD	NP	SUP	NP	NP
Art Gallery or Museum	NP	NP	P	NP	SU	SU	PUD	SU	SU	NP	NP
Safety Services	P	P	P	P	SU	SU	PUD	P	P	P	P
Hospital	SU	NP	SU	SU	NP	NP	PUD	SU	SU	NP	NP
Group Homes	P	P	NP	P	NP	NP	PUD	NP	NP	P	P
Library	SU	SU	SU	SU	NP	NP	PUD	SU	SUP	SU	SU
Public Parks and Recreation (private/public)	SUP /P	P	P	P	NP	NP	PUD	P	N/P	P	P
Other											
Agriculture	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Legend	Designation
Permitted (1)	P
Not Permitted (2)	NP
Special Use (3)	SU
Planned Unit Development (4)	PUD
Permitted with Special Use Permit (5)	SUP

- 1—Uses permitted by right if Zoning requirements are met.
- 2—Uses not permitted in this Zoning District.
- 3—Uses permitted by right if special use standards are met.
- 4—See PUD section.
- 5 – Uses Permitted with Special Use Permit

Sections. 1-197—1-224. - Reserved.

ARTICLE IV. - SPECIAL USE REGULATIONS

Sec. 1-225. - Supplementary use standards.

Sec. 1-226. - Accessory uses and structures.

Sec. 1-227. - Planned Unit Developments (PUD).

Sec. 1-228. - Towers

Secs. 1-229—1-247. - Reserved.

Sec. 1-225. - Supplementary use standards.

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable supplementary use standards in this section. Unless otherwise indicated, the listed standards apply in all Zoning Districts in which the subject use is permitted.

- (a) *Places of worship.* Places of worship shall not be allowed in the R1 Zoning District unless direct vehicle access is provided from a collector or arterial street or major thoroughfare. This standard shall not apply to places of worship located in the C Zoning District.
- (b) *School.* Schools shall not be allowed in the R1 or R2 Zoning District unless direct vehicle access is provided from a collector or arterial street or major thoroughfare. This standard shall not apply to schools located in the C Zoning District.
- (c) *Hospital.* Hospitals shall not be allowed in the R1 Zoning District unless direct vehicle access is provided from a collector or arterial street or major thoroughfare. This standard shall not apply to hospitals located in the C Zoning District.
- (d) *Library.* Libraries shall not be allowed in the R1 Zoning District unless direct vehicle access is provided from a collector or arterial street or major thoroughfare. This standard shall not apply to libraries located in the C Zoning District.
- (e) *Home occupations.* All home occupations shall comply with the following standards:
 - a. There shall be no visible storage of equipment, materials, or vehicles that have more than two (2) axles;
 - b. The home occupation shall be conducted entirely within the principal residential building or within a permitted accessory structure, and shall not be conducted within a garage or modified garage area;
 - c. No signage shall be permitted indicating the existence of any home occupation;
 - d. No retail sales of products not produced as a result of the home occupation shall be allowed;
 - e. No equipment shall be used that creates undue noise, vibration, electrical interference, smoke, or particulate matter emissions, excessive power demands or odors;
 - f. No goods, chattels, materials, supplies, or items of any kind shall be delivered either to or from the premises in connection with the home occupation in vehicles with more than two (2) axles;
 - g. No persons other than the immediate family residing at the home may work at the home occupation;

- h. No more than two (2) private automobiles of clients, patrons, or customers of the home occupation can be parked off the premises at any given time. Off-street parking shall be provided (driveway parking spaces may be counted towards meeting this requirement);
- i. The following are expressly prohibited as home occupations and must be located in an appropriate Commercial or office area:
 - i. Doctor's or dentist's offices;
 - ii. Real Estate offices;
 - iii. Insurance offices;
 - iv. Retail operations;
 - v. Storage facilities;
 - vi. Auto repair;
 - vii. Beauty shops;
 - viii. Barbershops;
 - ix. Nail salons;
 - x. Hair salons;
 - xi. Tattoo or body piercing establishments; or
 - xii. Any other business that is disruptive of the quiet use and enjoyment of surrounding property owners.

(f) Sexually Oriented Businesses.

- a. *Purpose.* It is the purpose of this subsection to regulate Sexually Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses within the City. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent, nor effect of this subsection to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- b. *Applicability.* This subsection shall apply to any of the following:
 - 1. The opening or commencement of any Sexually Oriented Business as a new business;
 - 2. The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business; or
 - 3. The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business.

c. In no event shall usage of land or structures for Sexually Oriented Businesses be approved unless they meet the following supplementary use standards:

1. A Sexually Oriented Business shall be located at least one thousand feet (1000') from a place of worship, a school, a child care facility, the boundary of a residential area, a public park, the property line of a lot devoted to residential uses, any building or structure in which alcoholic beverages are offered for sale, a hospital, public library, a recreational center, a public swimming pool, the boundary or any area zoned R1, C, R2, or another Sexually Oriented Business. Measurements for purposes of this subsection shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the church, school, day care center, or to the nearest boundary of an affected property line, public park, District, or to the closest exterior wall of another Sexually Oriented Business.
2. A Sexually Oriented Business lawfully operating under the terms of this subsection is not rendered in violation of this subsection by the subsequent location of a church, public or private elementary or secondary school, day care center, Public Park, area subsequently zoned R1 or R2, or subsequently put to residential use.

(g) *Heavy industry.* Heavy industry shall not be allowed in the I District unless it provides a minimum forty foot (40') buffer strip along any parcel lines that adjoin a R1 or R2 District or as part of a condition imposed for a Special Use Permit under section 1-283.

(h) *Manufactured Homes.* In all other districts other than the Manufactured Housing District (MH), replacement of a HUD manufactured home, other than in case of replacement as a result of fire or natural disaster, is limited to a single replacement.

Sec. 1-226. - Accessory uses and structures.

Principal uses classified as permitted uses by the District regulations of this article shall be deemed to include accessory uses and activities that are customarily associated with, and appropriate, incidental and subordinate to, permitted uses. Accessory uses and activities shall be subject to the same regulations as principal uses unless otherwise stated.

- (1) *Accessory buildings.* All accessory buildings shall not exceed twelve feet (12') in height and must be within building line setbacks as outlined above. The height for barns in R1 shall not exceed forty (40') feet.
- (2) *Containers.* Steel shipping containers are not permitted as permanent storage sheds in any District except R1 and I. Steel shipping containers are not permitted for residential use for any District. Permissible containers are designed for temporary, residential use only and shall be set on the ground (no wheeled storage is allowed). Temporary location of such containers may be allowed for not more than six (6) months. City staff shall review applications for the use and location of such structures.

(3) *Residential accessory uses.* Residential accessory uses shall include, but not be limited to, the following accessory uses, activities and structures:

- a. Fences and walls (see section 1-166(c));
- b. Garages, carports and off-street parking areas (garages, carports, and off-street parking areas not attached to the main residence shall be of the same architectural facade and building style, materiality, and proportions as the main residence structure and shall be used for storage only);
- c. Gates and guard houses;
- d. Home occupations, subject to the standards of section 1-225;
- e. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- f. Garage or in-law type apartments (such apartments shall not receive separate utility connections, including electric, telephone, cable, data, water, sewer, gas, etc, but shall be dependent on the principal use for connection to these services. Further, no address will be available for these accessory structures or uses);
- g. Radio and television receiving antennas and support structures, except ham radio towers;
- h. Recreational facilities for the use of residents;
- i. Keeping of domestic animals for non-commercial purposes;
- j. Solar energy systems; and
- k. Other necessary and customary uses determined by the Chief Building Official or City Administrator to be appropriate, incidental and subordinate to the principal use on the lot.

(4) *Retail, Commercial, office, and Industrial accessory uses.* Retail, Commercial, office, and Industrial accessory uses shall include, but not be limited to, the following accessory uses, activities and structures:

- a. Fences and walls;
- b. Gates and guard houses;
- c. Dwelling units for security or maintenance personnel;
- d. Parking garages and off-street parking areas;
- e. Radio and television receiving antennas and support structures;
- f. On-premises signs;
- g. Solar energy systems; and
- h. Other necessary and customary uses determined by the Chief Building Official or City Administrator to be appropriate, incidental and subordinate to the principal use on the lot.

(5) *Model homes.*

- a. Notwithstanding any provision of this article, model homes may be constructed in a residential Subdivision after approval of the final plat and installation of all required improvements, subject to certain conditions. For the purposes of this article, the term "model home" shall be defined as a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the Subdivision and which will not be permanently occupied during its use as a model.
- b. Each Subdivision shall be limited to one (1) model home per twenty (20) platted and approved lots in the Subdivision or a maximum of four (4) model homes per development. Lots planned for future phases of development shall not be considered as platted lots. New model homes may be permitted and constructed following the sale of existing model homes.
- c. Construction of model homes may begin upon completion of all public improvements in the Subdivision. The model home may only be occupied for sales and display purposes upon completion of the street leading to the model home and for fifty feet (50') thereafter.
- d. The model home shall be used only for selling new homes within the Subdivision where the office has been established. The model homes will not be inhabited as dwellings and will only be used for display and sales purposes until after installation and acceptance of all required improvements in the Subdivision.
- e. All installations related to the sales activity (e.g., canopies, partition walls, signage, fencing, lighting, temporary parking and similar improvements) shall be converted to the approved residential use prior to occupancy as a residential structure. If the carport or garage has been converted to office space, it must be returned to a condition suitable for the parking of automobiles.
- f. Applicant shall post a five thousand dollar (\$5,000.00) bond, refundable deposit, or other form of surety per model home to guarantee conversion of any office/display area to the approved residential use and for removal of any exterior items such as temporary parking, fencing, lighting and signage.
- g. Applicant shall make application for a model home building permit which shall be subject to all applicable building, Subdivision, Zoning and all other codes in the same manner as any other residence. It shall also comply with all deed restrictions, drainage, and other construction plans of the given Subdivision.
- h. Model home permits shall be valid for no longer than three (3) years or eighty percent (80%) development build out. Applicant may file a request for an extension upon a showing that the model home is still needed.
- i. The application for a model home permit shall include a Statement in a form approved by the City attorney and signed by the applicant in which the applicant agrees to indemnify and hold harmless the City, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the construction and occupancy of the model

home prior to construction of all required improvements and filing of the final plat.

- j. Granting a model home permit in no way obligates the City to supply any utility or access to any model home until such utilities and roadways have been constructed and accepted by the City.

(6) *Temporary sales trailers.* Temporary sales trailers are permitted in residential developments prior to the construction of a model home. Following the installation of the model home, temporary sales trailers shall be removed from the site. Temporary sales trailers may be permitted based on the following requirements being met:

- a. *Site plan.* A site plan indicating required parking, building location, required utilities, and other similar site features shall be submitted.
- b. *Landscaping required.* Landscaping shall be installed in conformance with the landscaping requirements as indicated in section 1-165. A landscaping plan shall be submitted indicating the proposed layout of plantings and their maintenance.
- c. *Utilities required.* Temporary sales trailers shall be supplied with all utilities, to include water, sewer, electricity, and telephone in order to facilitate the proper function of the trailer.
- d. Restroom facilities are required within the trailer.
- e. *Americans with Disabilities Act (ADA) compliance.* Temporary sales trailers shall meet all requirements of the ADA, including providing access ramps and accessible restroom facilities.
- f. *Structural requirements.* All trailers shall be built to the requirements of the City Engineer and Chief Building Official with respect to foundation, site placement, natural hazards mitigation, floodplain, and other requirements as necessary to ensure the safe conduct of business in the temporary sales trailer.
- g. *Permit required.* A temporary use permit shall be required. Permits shall be granted following review of staff and approval by the Planning and Zoning Commission and City Council. Permits shall be effective for a twelve (12) month period from the date of approval. No sales or other operation shall be allowed prior to approval. Following the permit period or construction of a model home, the sales trailer shall be removed from the site. The sales trailer shall not be used for any other purpose than general, site-specific sales and construction oversight and management. A twelve (12) month extension may be granted by the Planning and Zoning Commission and City Council.

Sec. 1-227. - Planned Unit Developments (PUD).

(a) *Purpose.* It is the general purpose of the PUD District classification to:

- (1) Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance;
- (2) Provide an alternative for more efficient use of land, resulting in smaller networks of utilities, safer network of streets, promoting greater opportunities for public and

private open space, and resulting in lower construction and maintenance costs to the general public;

- (3) Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with the thoroughfare plan, and land use relationship with surrounding properties and the general area; and
- (4) Require the application of professional planning and design techniques to achieve overall coordinated development, eliminating the negative impacts of unplanned and piecemeal development likely to result from rigid adherence to the Zoning classifications and standards found elsewhere in this article.

(b) *Eligibility.* The foregoing general purposes and comprehensive plan elements, along with such standards provided in this article, shall guide in the determination of eligibility for PUD application.

(c) *PUD designation procedure.* The process for the filing of an application, requirements for notice and advertisement of a PUD application and other related actions shall be the same as those provided for in the Zoning amendment process as described in section 1-279. In addition to the above, the applicant shall be governed by the following requirements:

(1) *Pre-application conference.* Prior to submitting an application for approval of a PUD, the applicant or representative shall confer with the Chief Building Official. The applicant is encouraged to submit a tentative land use sketch for review and to obtain any information on any projected plans, programs or other matters that may affect the proposed development. This information should include the:

- a. Proper relationship between the proposed development and surrounding uses, and the effect of the plan upon the comprehensive plan of the City;
- b. Adequacy of existing and proposed streets, utilities, and other public facilities and services within the proposed planned development;
- c. Character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separations and screening between uses where desirable, and to preserve the natural amenities of streams, wooded areas, and similar natural features; and
- d. Adequacy of open space and recreation areas, existing and proposed, to serve the needs of the development.

(2) *Submission of a preliminary PUD plan.* After the pre-application conference, a formal application for a PUD District may be made to the Planning and Zoning Commission in the same manner as an application for a Zoning amendment is made. Prior to the approval of such designation, the applicant shall submit a preliminary plan. The following information shall be included in the preliminary plan:

- a. *Ownership.* All land included for purposes of development within a PUD District shall be owned by or be under the control of the applicant for such Zoning designation, whether the applicant is an individual, partnership, corporation, or

group of individuals. The applicant shall present proof of the unified control of the entire area within the proposed PUD District.

- b. Legal description of the site accompanied by a map at a scale suitable for reproduction for advertising for a Public Hearing.
- c. Site conditions map or series of maps that shall indicate the following:
 1. Title of planned development and name of developer;
 2. Scale, date, north arrow, and general location map showing relationship of the site to external facilities such as highways;
 3. Boundary of the subject property;
 4. All existing streets, buildings, watercourses, easements, section lines, and other important features within the proposed project. The location and size, as appropriate, of all existing drainage, water, sewer, and other utility provisions, and information about existing vegetative cover.
- d. Concept plan at the same scale as the above site conditions maps which shall indicate:
 1. Sketch plan for pedestrian and vehicular circulation showing the general locations and rights-of-way widths and the general design capacity of the system as well as access points to the major thoroughfare system;
 2. A general plan for the use of lands within the PUD. Such plans shall indicate the location, function and extent of all components or units of the plan, including low-, medium-, and high-density residential areas (indicating the proposed density for each category), open space provisions, community-serving recreation or leisure facilities, and areas for public or quasi-public institutional uses such as schools, places of worship and libraries;
 3. A statement indicating that proposed arrangements are made with the appropriate agencies for the provision of needed utilities to and within the planned development.
- e. A report shall be prepared in conjunction with the above material and shall include:
 1. Total acreage involved in the project;
 2. The number of acres devoted to the various categories of land shown on the site development plan, along with the percentage of total acreage represented by each category of use and component of development, plus an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the planned development;
 3. The number and type of dwelling units involved for the overall site and for its components;

4. A description of the projected service areas for nonresidential uses (e.g., neighborhood, community or regional);
 5. A statement or map indicating which streets and roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance and whether approval will be sought for private roads, if any, within the development;
 6. A statement or map on drainage which generally shows existing drainage conditions, wetlands, areas of frequent flooding, points of discharge from the project, and anticipated quantity of water generated from the development;
 7. A statement which shall indicate the proposed method of governing the use, maintenance and continued protection of open space and community-serving facilities.
- f. Development schedule. The development site plan shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. A development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer, and all successors in interest. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may extend the development schedule or adopt such new development schedule as may be supported by the facts and circumstances of the case.
- (3) *Submission of a final PUD plan.* Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the Planning and Zoning Commission. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection (c)(2) of this section and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission.

Sec. 1-228. – Antennas and Towers.

(a) Applicability

- (1) *District height limitations.* The requirements set forth in this code shall govern the location of towers and antennas in the City.
- (2) *Public property.* Antennas or towers located on publicly owned property shall be exempt from the requirements of this code, provided a license or lease authorizing the antenna or tower has been approved by the City Council.
- (3) *Amateur radio and receive-only towers.* This code shall not govern any tower, or the installation of any antenna, that is under one hundred feet (100') in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive-only antenna.

(4) *Grandfathered towers and antennas.* Any tower or antenna existing on the effective date of this Ordinance shall not be required to meet the requirements of this code other than the requirements of this code for grandfathered towers and antennas. Any towers or antennas that fail to meet the requirements of this code shall be referred to as "grandfathered towers" or "grandfathered antennas."

(b) *Guidelines and requirements.*

(1) *Purpose.* The purpose of this subchapter is to establish rules and regulations for the site placement and maintenance of towers and antennas of the type as herein defined and set out. The goals of this chapter are to encourage and to provide for the location of towers in nonresidential areas and minimize the total number of towers throughout the community, and to encourage strongly the joint use of new and existing towers. In addition, it is the purpose of these regulations to encourage the use of towers and antennas to be located in areas where the adverse impact on the community is minimal and to encourage the user of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and to enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

(2) *Existing sites.* Each applicant for a tower permit shall provide the City Council an inventory of its existing towers, including specific information about the location, height and design of each tower. The City Council shall review the data and information as may be submitted, and all data submitted in conjunction with an application as herein provided shall be deemed a part of the open and public record.

(3) *Lighting.* The guidelines set forth in this code shall govern the location of all towers and the installation of all antennas; provided, however, that the governing body may in its sole discretion provide other regulations or other requirements that accomplish the objectives of this code where it is found that the goals and purposes of this chapter and this code are better served by such exceptions.

(4) *Requirements.* Towers shall either be constructed to maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray so as to reduce visual obtrusiveness.

(5) *Design requirements.* At a tower site, the design of buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

(c) *Installation of an antenna of a structure other than a tower.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) *Lighting of towers prohibited.* Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the City Council shall approve the

design for lighting and the design must take into effect existing and contemplated uses of surrounding property and be configured in a way as to cause the least disturbance to the surrounding views.

- (e) *Federal and other governmental requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government or any other governmental entity with the authority to regulate towers and antennas. If the standards and regulations are changed, then the owners of the towers and antennas governed by this code shall bring the towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute an immediate and automatic revocation of the authority granted under this chapter and the City may require the removal of any tower antenna in noncompliance at the cost of the owners.
- (f) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the Building Codes of the City and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. The City, through the Chief Building Official or other persons so designated, may inspect towers and antennas at any time, and if the Chief Building Official finds and concludes that the tower or an antenna fails to comply with such codes and standards and/or constitutes a danger to persons or property, then the Chief Building Official, upon notice being provided to the owner of the tower, may order that the tower and antenna be brought into compliance with the codes and standards within a period not to exceed thirty (30) days. If the owner fails to bring the tower into compliance within thirty (30) days, the City Council may order the removal of the tower and antennas at the expense of the owner. In the event a removal is ordered, the City shall not assume any liability for the removal and shall be entitled to a lien upon the personal property, fixtures or real estate for the purpose of paying its cost incurred in the removal.
- (g) *Special Use Permit required.* The City Council finds and determines that it is in the best interest of the health, safety and well-being of the residents, citizens and inhabitants of the City that no tower or antenna shall be constructed, erected or maintained in the City unless a permit, hereinafter referred to as a tower permit, shall have first been issued by the City Council for the placement, location and maintenance of the tower and antenna.
- (h) *Application and fees.* From time to time the City Council may adopt an application form or procedure for the issuance of a tower permit. In addition, the City Council may specify fees, costs and expenses that must be paid by the applicant as an application fee prior to the review or issuance of the tower permit. In the event the City Council shall fail to specify or provide for tower permit application or a procedure for the issuance of a tower permit, then the Chief Building Official is hereby directed to establish such procedure as shall be reasonable and necessary to accomplish the objectives of this code. The application fee approved by the City Council shall be in an amount sufficient to cover the cost incurred by the City in reviewing the application and material submitted by the applicant. In addition, prior to the issuance of any permit and as a condition for the issuance of a tower permit, the

applicant shall pay any additional cost as may be incurred by the City, including but not limited to professional fees incurred in the review of any application.

(i) *Requirements of an application.* Each application filed hereunder shall show and attach thereto all relevant documents showing compliance with all laws and regulations promulgated by the federal government, including laws and regulations relating to the FAA or the FCC or any other governmental entity. In addition, no authority granted under this code shall be deemed to have any final authority until an application for a building permit has finally been approved by the Chief Building Official of the City.

(j) *Shortened Administrative Process.*

(1) The City Council recognizes that there are certain circumstances where a tower permit may be issued administratively by the Chief Building Official without review by the City Council, and in this regard the Chief Building Official is hereby directed and authorized to issue a tower permit as provided for under this chapter without referral to or review by the City Council. The applicant for a tower permit by administrative approval shall first comply with all other requirements of this code including making application on such form as may be from time to time provided by the City and paying the required fee. The authority herein granted to the Chief Building Official shall be deemed discretionary by the Chief Building Official and the Chief Building Official may decline to issue a tower permit administratively and may refer the application to the City Council for approval in accordance with the other provisions of this chapter.

(2) The Chief Building Official may approve a tower permit administratively if it is found that one or more of the following conditions or circumstances shall exist:

- a. The proposed tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna, will be located in an Industrial or heavy Commercial District or area of town. An Industrial or heavy Commercial area is one that is separated from any platted lot of record that is in residential use or intended for residential use by at least one thousand feet (1,000') from the closest point of any lot platted or used for residential purposes or, in the case of non-platted property, one thousand feet (1,000') from any structure actually used for residential purposes. In measuring or determining any of the distances as herein provided, measurements should be taken from the closest point of the lot or structure to the base or structural point of the tower closest to the residential lot or residential structure.
- b. The installation of an antenna is on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing nonresidential structure) that is at least fifty feet (50') in height or greater so long as the additional antenna adds no more than twenty feet (20') to the height of the existing structure.

- c. The installation of an antenna is on an existing tower of any height so long as the addition of the antenna adds no more than twenty feet (20') to the height of the existing tower. The tower permit issued under this section shall not permit the placement of additional buildings or other supporting equipment used in connection with the antenna.

(k) *General requirements for approval of an antenna tower or structure and the issuance of a tower permit.* The following general provisions shall govern the issuance of a tower permit and shall control all applications for a tower permit. Each applicant requesting a tower permit under this code shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, or other documentation signed and sealed by appropriate professional engineers showing the location and dimensions of the improvement, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assess compliance with this code, including such other and additional information as may be deemed necessary and required by the City Council.

(l) *Factors in considering the granting of the permit.* The City Council shall consider the following factors in determining whether or not to issue a tower permit and such other factors as may be deemed appropriate and necessary in order to determine that the goals of the code are properly served:

- (1) Height of the proposed tower;
- (2) Proximity of the tower to residential structures and residential Districts; however, the City Council shall not approve any tower which is closer than one thousand feet (1,000') to any lot platted for residential use or from any structure in residential use;
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obstructions;
- (7) The availability of suitable and existing towers and other structures presently constructed which are suitable for antenna location; and
- (8) The environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations concerning such emissions shall not be considered.

(m) *Availability of suitable towers or other structures.* No new tower permit shall be issued unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna or tower may consist of any of the following.

- (1) No existing towers or structures are located within the geographic area required to meet applicant's Engineer's requirements;
 - (2) Existing towers or structures are not of sufficient height to meet applicant's Engineer's requirements;
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures or the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - (5) The fees or costs required to share an existing antenna or structure which will be paid at the beginning of a sharing relationship or will be paid within one (1) year from the date of the inception of any sharing relationship exceed the cost of constructing a new tower;
 - (6) Property owner(s) of existing towers or structures are unwilling to accommodate reasonably the applicant's needs. The applicant must specify the reason for property owner(s) refusing to accommodate and submit satisfactory proof of non-accommodation, including documents evidencing appropriate financial tenders.
 - (7) The applicants demonstrate that there are other limiting factors that render existing towers and structures unsuitable.
- (n) *Setbacks.* The following setbacks and separation requirements shall apply to all towers and antennas for which a tower permit is required; provided, however, that the governing body may, in its discretion, provide for other or different regulations if it finds that the goals of this code are better served by such modifications.
- (1) Towers must be set back a distance equal to two hundred feet (200') from the nearest point to any lot platted for residential use or any structure in residential use. If the height of the antenna tower is deemed to be greater than five hundred feet (500'), then the setback as herein provided shall be three (3) times the height of the tower.
 - (2) Towers, guys and accessory facilities must be constructed in a way to avoid adverse impact upon adjoining properties and the uses thereof. In addition, all such structures and apparatus must be properly screened by a visual barrier or fence of a height not less than eight feet (8') and shall be appropriately marked.
 - (3) In all areas other than Industrial and heavy Commercial areas which are separated from lots platted for residential use or from structures in residential use by more than one thousand feet (1,000'), towers over ninety feet (90') in height shall not be located within one-quarter (1/4) mile from an existing tower that is over ninety feet (90') in height.

(o) *Security.* In addition to the fencing requirements as herein set out, all fencing shall be locked and secured and shall be equipped with appropriate anti-climbing devices; provided, that if the City Council finds and determines that, because of natural barriers or the existence of other apparatus or conditions, this requirement is not necessary, the City Council may in an appropriate case modify the screening and fencing requirements as herein set out.

(p) *Landscaping.*

(1) All towers constructed and maintained within the City limits shall be landscaped and maintained in accordance with the provisions as herein set out. The City Council, however, upon appropriate application, may modify the provisions of this code when it is deemed appropriate in accordance with the circumstances and conditions then existing.

(2) The requirements as herein provided are:

- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound. The applicant for a tower permit shall file with the City a landscape plan which shall be approved by the City Council in conjunction with any application filed in accordance herewith. In the case of an application for administrative approval, the requirements for a landscape plan may be approved by the Chief Building Official without City Council approval if a request for administrative approval is granted. It shall be the duty of the applicant to fully maintain any landscaping as herein provided as a condition for the maintenance of the permit; and
- b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be deemed by the City Council to be a sufficient buffer.

(q) *Removal of abandoned towers and antennas.* Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be deemed abandoned, and the owner of the antenna or tower shall remove the same within thirty (30) days of the receipt of a notice from the City Council notifying the owner of the abandonment. If the antenna or tower is not removed within the required thirty (30) days, or such additional period as may be allowed by the City Council upon application, the City Council may remove the antenna or tower at the expense of the owner and may file a lien upon the real estate and any personal property or fixtures found to pay the cost of removal.

(r) *Existing antennas and towers.*

(1) Any antenna or tower that would otherwise be subject to regulation under the terms and provisions of this code that had been constructed and lawfully in existence at the date of adoption of this chapter shall be deemed grandfathered and

shall not be subject to the regulations provided under this code for the issuance of a tower permit. However, all other provisions of this code applicable to the maintenance or renovation of an antenna or tower shall be deemed applicable and in existence.

- (2) The owner of a previously existing antenna tower shall be entitled to grandfathered status only if the owner and/or lessee of the antenna or tower shall file a declaration and claim of grandfathered status on or before the expiration of six (6) months from the date of adoption of this chapter. Any person failing to timely claim grandfathered status shall be required as a condition of the maintenance of an antenna or tower to obtain a tower permit as herein required for a newly constructed antenna or tower.

(s) Applicant shall acquire no vested rights.

- (1) No applicant for a tower permit or person intending to apply for a tower permit shall at any time acquire any vested rights to a tower permit or other authority or privilege to maintain an antenna or tower in the City limits. Nor shall any person who shall have previously constructed and maintained an antenna or tower otherwise subject to regulation under this chapter be deemed to have acquired any vested rights or property rights to maintain the tower or antenna in the City.

- (2) The City declares that the provisions of this chapter are necessary for the preservation of the health, safety and well-being of the residents, citizens and inhabitants of the City and as such the health, safety and well-being of the residents, citizens and inhabitants of the City require that this chapter and code be enforced to the maximum extent permitted by law and that all rights of property shall at all times be subordinate to the regulations as herein set out.

(t) Regulations to the extraterritorial jurisdiction. The City Council finds and determines that its regulation of antennas and towers is important for the maintenance of the health, safety and well-being of the residents, citizens and inhabitants of the City and, as such, declares that the regulations contained in this chapter and code shall, to the extent that may from time to time be permitted under the laws of the State, be applicable to all towers and antennas that may be permitted and constructed in the extraterritorial jurisdiction of the City.

Secs. 1-229—1-276. - Reserved.

ARTICLE V. - ADMINISTRATION AND PROCEDURES

Sec. 1-277. - Decision-making bodies and officials.

Sec. 1-278. - Notice of Public Hearings.

- Sec. 1-279. - Amendments.
- Sec. 1-280. - Variances.
- Sec. 1-281. - Variance permit criteria.
- Sec. 1-282. - Effect of variance permit.
- Sec. 1-283. - Special Use Permits.
- Secs. 1-284—1-314. - Reserved.

Sec. 1-277. - Decision-making bodies and officials.

The City decision-making bodies and officials described in this section, without limitation upon the authority each possesses by law, have responsibility for implementing and administering this Ordinance in the manner described in this section.

(a) *Planning and Zoning Commission.* For the purposes of this Ordinance, the Planning and Zoning Commission shall exercise the following powers and be required to:

- (1) Review and recommend to the City Council changes in Zoning; and
- (2) Perform such other functions and duties as authorized in this Code and as may be duly delegated to them by the City Council.

(b) *Board of Adjustment.* For the purpose of this Ordinance, there is hereby created a Board of Adjustment consisting of five members each appointed by the City Council. The Board of Adjustment shall exercise the following powers and be required to:

- (1) Hear and decide appeals where it is alleged that there is an error in any order or decision by City officials in the administration and enforcement of this Ordinance;
- (2) Hear and decide appeals of any interpretation of the text of this Ordinance made by the Chief Building Official or City Administrator pursuant to section 1-127 and subsection (3) of this section; and
- (3) Hear and decide requests for variances from the terms of this Ordinance pursuant to the procedures and standards of section 1-280.

(c) *Offices of the Chief Building Official and City Administrator.* For the purposes of this Ordinance, the Chief Building Official or City Administrator shall exercise the following powers and be required to:

- (1) Make recommendations and provide assistance to the City Council, Planning and Zoning Commission and Board of Adjustment;
- (2) Render administrative decisions on appropriate development applications; and
- (3) Render administrative interpretations of the text and Zoning maps in this Ordinance pursuant to the procedures and standards in section 1-127 and this section.

Sec. 1-278. - Notice of Public Hearings.

(a) *Manner of conveyance or delivery.* Public notice of hearings shall be given as follows:

- (1) *Publication.* Whenever the provisions of this Ordinance require a Public Hearing before the Planning and Zoning Commission or the Board of Adjustment, notice of a Public Hearing on the application shall be published in a newspaper of general circulation in the City at least eleven (11) days before the Public Hearing. Whenever the provisions of this Ordinance require a Public Hearing before the City Council, notice of a Public Hearing on the application shall be published in a newspaper of general circulation in the City at least sixteen (16) days before the Public Hearing.
- (2) *Mailing.* Notice of required Public Hearings shall also be sent by mail to all owners of land within two hundred feet (200') of the lot lines or within the same Subdivision of the land that is the subject of the application. Such notice shall be postmarked at least ten (10) days before the Planning and Zoning Commission or Board of Adjustment Public Hearing. If a hearing before the City Council is required, such notice shall be mailed and postmarked at least fifteen (15) days before the City Council Public Hearing. Owners of land shall be identified by reference to the most recent tax records, except that when land is owned by a condominium association, notice shall be given to the condominium association. Notice shall be deemed mailed by virtue of its deposit with the United States Postal Service, properly addressed with postage prepaid.
- (3) *Posting.* Notice of required Public Hearings shall also be provided by way of a sign posted on the land that is the subject of the application. One sign shall be posted for each two hundred feet (200') of frontage along a public street, with a maximum of two (2) signs required per frontage. Signs shall be located so that the lettering is visible from the street. Where the land does not have frontage on a public street, signs shall be posted on the nearest public street with an attached notation indicating the location of the land subject to the application.

(b) *Contents.* The contents of public notice hearings shall include the following:

- (1) *Publication and mailed notice.* Published and mailed notices shall provide at least the following information:
 - a. The general location of the land that is the subject of the application;
 - b. Its legal description and street address;
 - c. The substance of the application;
 - d. The time, date and location of the Public Hearing;
 - e. The time, date and place where the application may be inspected by the public; and
 - f. A statement that interested parties may appear at the Public Hearing and be heard with respect to the application.
- (2) *Signs.* Required signs shall at least indicate the substance of the application; the time, date and location of the Public Hearing; and the contact point for additional information.

Sec. 1-279. - Amendments.

- (a) *Purpose.* The purpose of this section is to provide a means for changing the text of this Ordinance or the District boundaries shown on the official Zoning map as necessary or for special use permits. Since this Ordinance represents the City's effort to provide for the orderly development of the community, no change shall be made in these regulations except to:
- (1) Correct an error in the regulations or map;
 - (2) Recognize changed or changing conditions or circumstances in a particular locality or area; or
 - (3) Recognize a change in public plans or policies that affect the property.
- (b) *Authority.* The City Council may, after recommendation of the Planning and Zoning Commission, adopt an Ordinance amending the text of this Ordinance or the boundaries of the official Zoning map upon compliance with the provisions of this section.
- (c) *Initiation.* An application for an amendment to the official Zoning map may be proposed by the mayor, a member of the City Council, the City Administrator, the City Engineer or a qualified applicant for a proposed development. An amendment to the text of this Ordinance may be proposed by the mayor, a member of the City Council or the City Administrator.
- (d) *Procedure.*
- (1) *Submission of application.* A complete application shall be submitted to the City Administrator in a form established by the City, along with a nonrefundable fee that is established from time to time by the City Council to defray the actual cost of processing the application. No application shall be processed until the established fee has been paid and the application has been deemed complete by the City Administrator. No application fee shall be required when such amendment is being proposed by the mayor, a member of the City Council or the City Administrator.
 - (2) *Review and recommendation by the City Administrator.* After determining that the application is complete, the City Administrator shall prepare a staff report, which may include a recommendation for approval or disapproval based on the criteria in subsection (f) of this section. A copy of the staff report on a proposed amendment to the official Zoning map shall be mailed to the applicant at least five (5) days prior to the Public Hearing on the application.
 - (3) *Recommendation by Planning and Zoning Commission.* The Planning and Zoning Commission shall, after due notice, conduct a Public Hearing on the report, in accordance with V.T.C.A., Local Government Code ch. 211, or other applicable law. At the Public Hearing, the Planning and Zoning Commission shall consider the application, the staff report, the relevant support materials and public testimony given at the Public Hearing. After the close of the Public Hearing, the Planning and Zoning Commission shall prepare and deliver a report and recommendation to the City Council to approve or disapprove the proposed amendment based on the criteria in subsection (f) of this section.
 - (4) *Action by City Council.*

- (e) *Public Hearing.* After receiving the final report of the Planning and Zoning Commission, the City Council shall, after due notice, conduct a Public Hearing on the proposed amendment. At the Public Hearing, the City Council shall consider the application, the staff report, the relevant support materials and public testimony given at the Public Hearing.
- (f) *Amendment criteria.* The wisdom of amending the text of this Ordinance or the Zoning map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the City Council shall consider the following factors:
 - (1) Consistency with Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Ordinance.
 - (2) Compatibility with surrounding area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate Zoning District for the land.
 - (3) Changed conditions. Whether and the extent to which there are changed conditions that require an amendment.
 - (4) Effect on natural environment. Whether and the extent to which the proposed amendment would not result in significantly adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
 - (5) Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.
 - (6) Comprehensive plan. Whether and the extent to which the proposed amendment is compatible with the vision set forth in the City's comprehensive plan and would result in a logical and orderly development pattern and not constitute spot Zoning.
 - (7) *Vote required for action.* Action to amend the text of this Ordinance or the official Zoning map shall require an affirmative vote of at least three (3) members (three-fifths (3/5)) of the City Council.

Sec. 1-280. - Variances.

- (a) *Purpose.* Variances are deviations from the property development standards for the applicable Zoning District where development is proposed that would not be contrary to the public interest and, due to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice done. A variance cannot be requested for a change in land use.
- (b) *Authority.* The Board of Adjustment, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or disapprove an application for a variance permit after receiving a recommendation by the City Administrator.
- (c) *Initiation.* An application for a variance permit shall be submitted by a qualified applicant.

(d) Procedure.

- (1) *Submission of application.* A complete application for a variance permit shall be submitted to the City Administrator, along with a nonrefundable fee that is established from time to time by the City Council to defray the actual cost of processing the application. No application shall be processed until the established fee has been paid and the application has been determined completed by the City Administrator.
- (2) *Review and recommendation by City Administrator.* After determining that the application is complete, the City Administrator shall review the application and prepare a staff report, which may include a recommendation of approval, approval with conditions or disapproval based upon the criteria in section 1-281. A copy of the report shall be mailed to the applicant at least five (5) days prior to the Public Hearing on the application.
- (3) *Public Hearing.* After due notice, the Board of Adjustment shall hold a Public Hearing on an application for a variance permit. At the Public Hearing the Board of Adjustment shall consider the application, the staff report, the relevant supporting materials and the public testimony given at the Public Hearing. After the close of the Public Hearing, the Board of Adjustment shall vote to approve, approve with conditions or disapprove the application for a variance permit pursuant to the criteria of section 1-281.
- (4) *Notice of decision.* The City Administrator shall provide a copy of the decision to the applicant by mail within ten (10) days of the board's decision.

Sec. 1-281. – Variance permit criteria.

To approve an application for a variance permit, the Board of Adjustment shall make an affirmative finding that the following criteria are met:

- (1) Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same Zoning District and are not merely financial;
- (2) These special circumstances are not the result of the actions of the applicant;
- (3) Literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same Zoning District, and would cause an unnecessary and undue hardship;
- (4) Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and which would carry out the spirit of this Ordinance and substantial justice;
- (5) Granting the variance will not adversely affect adjacent land in a material way; and
- (6) Granting the variance will be generally consistent with the purposes and intent of this Ordinance.

Sec. 1-282. - Effect of variance permit.

- (a) *Generally.* Issuance of a variance permit shall authorize only the particular variation which is approved in the variance permit. A variance permit shall run with the land.
- (b) *Time limit.* Unless otherwise specified in the variance permit, an application to commence construction of the improvements that were the subject of the variance permit request must be applied for and approved within twelve (12) months of the date of the approval of the variance permit, otherwise the variance permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension of the twelve (12) month timeframe may be granted by the Board of Adjustment for a period not to exceed twelve (12) months for good cause shown.

Sec. 1-283. - Special Use Permits.

- (a) The City Council may by Ordinance grant Special Use Permits in any District provided, however, that the special use is specifically authorized under this Ordinance. In granting a Special Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector, for use of the building on such property pursuant to such Special Use Permit and such conditions precedent to the granting of the certificate of occupancy.
- (b) All requests for Special Use Permits shall first be presented to the Planning and Zoning Commission, which shall hold Public Hearings thereon and consider them in accordance with subsection (c) of this section, and then make a recommendation to the City Council which shall also hold Public Hearings and shall approve, disapprove or approve the special use with conditions.
- (c) Special Use Permits may not be granted unless the Planning and Zoning Commission makes written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the Special Use Permit will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood.
- (d) Every Special Use Permit granted under these provisions shall be considered as an amendment to the Ordinance from which this Ordinance is derived as applicable to such property under consideration, but shall not be considered as a permanent change in Zoning. In the event the building, premises, or land uses under the Special Use Permit is voluntarily or involuntarily vacated or if the ownership is voluntarily or involuntarily transferred, or if such buildings, premises, or land is more than fifty percent (50%) destroyed by fire or other cause, the use of the same shall thereafter conform to the regulations of the original Zoning District of such property unless a new and separate Special Use Permit is granted for continuation of the use.
- (e) No building, premises, or land used under a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Special Use Permit is granted for such enlargement, modification, structural alteration, or change.
- (f) The following shall be submitted in connection with all applications for a Special Use Permit:

- (1) *Ownership affidavit.* A Statement of ownership and control of the subject property and a Statement describing the nature of the intended use shall be submitted.
- (2) *Vicinity map.* A general location map indicating the approximate location of the subject parcel shall be submitted.
- (3) *Context map.* Twenty (20) full-size, twenty four by thirty six inches (24" x 36"), copies of a context plan shall be submitted; additional copies may be required. The map shall include the existing features within two hundred feet (200') of the proposed conditional use. Existing features include, but are not limited to, buildings, ingress and egress points, landscaping areas, pedestrian paths and property names.
- (4) *Survey.* A survey prepared and stamped by a State registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel shall be submitted.
- (5) *Compliance with the comprehensive plan.* A Statement indicating how the proposed development complies with the City's adopted comprehensive plan shall be submitted.
- (6) *Site plan.* Twenty (20) full-size, twenty four inches by thirty six inches (24" x 36"), copies of the site plan are required to be submitted and shall be prepared and stamped by licensed and/or certified professionals including, but not limited to, architects, landscape architects, land planners, Engineers, surveyors, transportation Engineers or other professionals, deemed necessary by the City Administrator or his designee for detailed elements that should be included on the site plan.
- (7) *Landscaping plan.* Twenty (20) full-size, twenty four inches by thirty six inches (24" x 36"), copies of a landscaping plan is required to be submitted and shall be prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, existing trees (in accordance with section 1-165), and showing compliance with the City's off-street parking requirements, the City's design guidelines and policies, and the requirements of the appropriate Zoning District.
- (8) *Grading and drainage plan.* Twenty (20) full-size, twenty four inches by thirty six inches (24" x 36"), copies of a grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage shall be submitted.
- (9) *Lighting plan.* A lighting plan shall be submitted which indicates the illumination of all interior areas and immediately adjoining streets showing the location, candlepower and type of lighting proposed. The lighting plan shall be in conformance with all applicable lighting standards of Fort Bend County.
- (10) *Elevations.* Twenty (20) full-size, twenty four inches by thirty six inches (24" x 36"), copies of elevations of all buildings, fences and other structures viewed from all sides indicating height of structures, the average finished grade of the

site at the foundation area of all structures, percentage of building materials proposed, and color of all materials shall be submitted.

- (11) *Signage plan.* The Planning and Zoning Commission shall approve an overall signage plan during the specific use approval process. All information to be provided for the sign permit shall be submitted concurrent with the site plan application materials.
- (12) *Traffic impact study.* A traffic impact study, completed by a certified traffic Engineer, may be required if it is estimated by the City Engineer that the project could generate trips for any given time period in excess of five percent (5%) of the existing volume of traffic on adjacent street systems.
- (13) *Public notice.* Stamped and addressed business size envelopes (which do not include return addresses) to all owners of property located within three hundred feet (300') of the boundary of the proposed conditional use, as listed in the current county records, shall be submitted.

Sections. 1-284—1-314. - Reserved.

ARTICLE VI. - NONCONFORMITIES

Sec. 1-315. - General purpose; authority; maintenance and repair.

Sec. 1-316. - Nonconforming uses—Abandonment.

Sec. 1-317. - Same—Movement, alteration and enlargement.

Sec. 1-318. - Nonconforming structures; movement, alteration and enlargement.

Sec. 1-319. - Nonconforming accessory uses and nonconforming accessory structures.

Sec. 1-320. - Determination of nonconforming use and nonconforming structure status.

Secs. 1-321—1-343. - Reserved.

Sec. 1-315. - General purpose; authority; maintenance and repair.

(a) *Purpose and scope of regulations.* This article regulates the continued existence of:

- (1) Uses established prior to May 17, 2012, that do not conform to the use regulations of this Ordinance in the Zoning Districts in which such uses are located. Such uses are hereafter referred to as nonconforming uses; and
- (2) Buildings and structures constructed prior to May 17, 2012, that do not comply with the applicable property development standards of this Ordinance in the Zoning Districts in which such buildings or structures are located. Such structures are hereafter referred to as nonconforming structures.

(b) *Authority to continue.*

- (1) Continuation of nonconforming use. A nonconforming use that lawfully occupies a structure or a vacant site on May 17, 2012, may be continued so long as it remains otherwise lawful, subject to the standards and limitations of this section.
- (2) Continuation of nonconforming structures. A nonconforming structure that lawfully occupies a land site on May 17, 2012, that does not conform with the standards for

front setbacks, side setbacks, rear setbacks, height, screening, floor area of structures, driveways or open space for the District in which the structure is located, may be used and maintained subject to the standards and limitations in this section.

(3) Amortization of nonconforming uses or nonconforming structures. A nonconforming use or nonconforming structure may be amortized by the City based on the following provisions:

- a. The City provides adequate written notice to the owner of the impending amortization;
- b. The City also provides sufficient time for the owner to procure an appropriate place to relocate;
- c. The City offers just compensation for the value of the property, the costs associated with moving the use, and the loss of revenue due to the discontinuance of the use.

(c) *Ordinary repair and maintenance.* Normal maintenance and incidental repair may be performed on a conforming structure which contains a nonconforming use or on a nonconforming structure. This section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the City Administrator who declares a structure to be unsafe and orders its restoration to a safe condition.

Sec. 1-316. - Nonconforming uses—Abandonment.

(a) *When abandoned.* A nonconforming use of land or of a structure in a District that is discontinued or remains vacant for a continuous period of one (1) year shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or land site must conform with the regulations for the District in which it is located.

(b) *Overcoming presumption of abandonment.* The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the Chief Building Official that during such period the owner of the land or structure has been:

- (1) Maintaining the land and structure in accordance with the building code and did not intend to discontinue the use;
- (2) Actively and continuously marketing the land or structure for sale or lease; or
- (3) Engaged in other activities that would affirmatively prove there was not intent to abandon.

(c) *Calculation of period of abandonment.* Any period of such discontinuance caused by government actions, fire or natural calamities, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance pursuant to this section.

Sec. 1-317. – Nonconforming uses—Movement, alteration and enlargement.

No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except in the manner provided in this section.

- (1) *Enlargement.* A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or land site, that it did not occupy on the effective date of the Zoning Ordinance, or any amendment thereto, from which the provision was derived.
- (2) *Exterior or interior remodeling or improvements to structure.* Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed provided there is no expansion of the nonconforming use.
- (3) *Relocation of structure.* A structure containing a nonconforming use may not be moved unless the use shall conform to the regulations of the Zoning District into which the structure is moved.
- (4) *Destruction of structure with nonconforming use.* If a structure that contains a nonconforming use is destroyed to the extent of fifty percent (50%) or more by fire or natural calamity or is voluntarily razed or is required by law to be razed, the nonconforming use shall not be resumed, and the structure shall not be restored. Unless the structure is a single family dwelling previously used for residential purposes; in which case the structure may be restored or replaced if the property owner obtains a special use permit under Sec. 1-283. The determination of the extent of damage or destruction under this section shall be based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction.
- (5) *Moving.* A nonconforming structure shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the Zoning District in which it is located after being moved.

Sec. 1-318. - Nonconforming accessory uses and nonconforming accessory structures.

The continued existence of nonconforming accessory uses and nonconforming accessory structures shall be subject to the provisions governing principal nonconforming uses and nonconforming structures set forth in sections 1-316 and 1-317.

Sec. 1-319. - Determination of nonconforming use and nonconforming structure status.

The burden of establishing that a nonconforming use or nonconforming structure lawfully exists under this Ordinance shall, in all cases, be the owner's burden and not the City's.

Sections. 1-320—1-343. - Reserved.

ARTICLE VII. - ENFORCEMENT

Sec. 1-344. - Enforcement officer.

Sec. 1-345. - Compliance required.

Sec. 1-346. - Remedies and enforcement powers.

Sec. 1-347. - Enforcement procedures.

Sec. 1-348. - Other enforcement matters.

Secs. 1-349—1-369. - Reserved.

Sec. 1-344. - Enforcement officer.

This Ordinance shall be enforced by the City Administrator or designee, pursuant to V.T.C.A., Local Government Code § 211.012, or other applicable law.

Sec. 1-345. - Compliance required.

No person may use, occupy or develop land, buildings or other structures, or authorize or permit the use, occupancy or development of land, buildings or other structures, except in accordance with all the provisions of this Ordinance.

Sec. 1-346. - Remedies and enforcement powers.

The City shall have the following remedies and enforcement powers:

- (1) *Withhold permits.* The City may deny or withhold all permits, approvals or other forms of authorization on any land or structure for which there is an uncorrected violation of a provision of this Ordinance or of a condition of a permit, certificate, approval or other authorization previously granted by the City Council, commission or Board of Adjustment. In lieu of withholding or denying an authorization, the City may grant such authorization subject to the condition that the violation be corrected.
- (2) *Stop work.* With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.
- (3) *Injunctive relief.* The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or of a permit, certificate or other form of authorization granted hereunder.
- (4) *Abatement.* The City may seek a court order in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which it existed prior to the violation.
- (5) *Civil remedies.* The City shall have the right to institute any appropriate civil action to enforce, enjoin, prevent, restrain, correct or abate any violation of the provisions of this Ordinance, including any and all remedies available pursuant to the laws of the State. All court costs and reasonable attorney's fees incurred by the City in connection with any civil action shall be awarded to the City if it is the prevailing party.
- (6) *Criminal remedies.* Any person that violates any provision of this Ordinance shall be guilty, upon conviction, of a separate misdemeanor offense for each day or portion of a day during which the violation continues.
- (7) *Other remedies.* The City shall have such other remedies as are and as may be from time to time provided by State Law for the violation of Zoning regulations.

- (8) *Remedies cumulative.* The remedies and enforcement powers set out in this section shall not be considered exclusive remedies but rather they shall be cumulative with all other remedies provided in this Ordinance, in any other Ordinance or by law.

Sec. 1-347. - Enforcement procedures.

The following procedures shall be followed in carrying out enforcement powers:

- (1) *Notice.* The Chief Building Official shall give written notice by certified mail to the owner of land on which a violation exists. The notice shall state the nature of the violation and the date, time and place of the Board of Adjustment meeting at which the board is to act on the enforcement matter.
- (2) *Board of Adjustment action; Public Hearing.* After due notice, the Board of Adjustment shall hold a Public Hearing on the Zoning violation. At the Public Hearing, the board shall consider the staff report detailing the nature of the violation, the relevant support materials and the public testimony given at the Public Hearing, including the testimony of the owner of the land on which the violation is said to exist. After the close of the Public Hearing, the Board of Adjustment shall determine, by a vote of its members, if a violation exists. If a violation is determined to exist, the Board of Adjustment shall identify the appropriate remedy and enforcement action.
- (3) *Notice of decision.* The Chief Building Official shall provide a copy of the board's decision and enforcement action to the applicant by certified mail within ten (10) days of the board's decision.

Sec. 1-348. - Other enforcement matters.

- (a) *Other powers.* In addition to the enforcement powers specified in this article, the City may exercise any and all enforcement powers granted to it by State law, as it may be amended from time to time.
- (b) *Continuation.* Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken pursuant to previous, valid resolutions, ordinances and laws.

Sections. 1-349—1-369. - Reserved.

Sec. 1-370. - Penalty.

Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Sec. 1-371. - Effective date.

This Ordinance shall be effective after being published as required by law.

PASSED, APPROVED and ADOPTED this, the 17th day of May, 2012.

A handwritten signature in blue ink, reading "Thomas C. Kuykendall, Jr.", written over a horizontal line.

Thomas C. Kuykendall, Jr., Mayor

ATTEST:

A handwritten signature in blue ink, reading "D. Gordon Offord", written over a horizontal line.

D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1070

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.

WHEREAS, on February 21, 2012, the City of Fulshear, Texas ("City") accepted MGJ Holdings, LLP's ("MGJ") voluntary petition to annex certain property consisting of a 1.901 acre tract of land owned by MGJ into the City; and

WHEREAS, the property sought to be annexed meets the applicable requirements of law for annexation of property by voluntary petition of landowners of a sparsely occupied area pursuant to Sec. 43.028 of the Texas Local Government Code; and

WHEREAS, the property of land contains 1.901 acres of land, in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas, said 1.901 acre tract being unrestricted reserve "B" of Lamar C.I.S.D. High School No. 5 Complex, according to the map or plat thereof recorded under County Clerk's File Number 20110054, Official Public Records of Fort Bend County, Texas, and is more particularly described in Exhibit "A" ("Property"), and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this State have been duly followed with respect to the Property described in Exhibit "A";

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

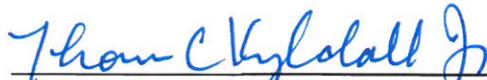
Section 1. That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. That the Property described in Exhibit "A" is hereby annexed into the City of Fulshear, Fort Bend County, Texas, and that the boundary limits of the City of Fulshear, Texas, are hereby extended to include the above described Property within the territorial limits of the City of Fulshear, Texas, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

Section 3. A Service Plan for the Property is hereby adopted and attached hereto and incorporated herein for all purposes as Exhibit "B".

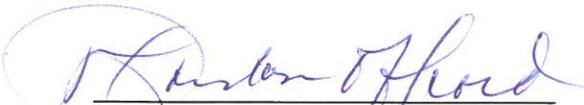
Section 4. The City Secretary is hereby directed to file with the County Clerk of Fort Bend County, Texas, a certified copy of this Ordinance.

PASSED, APPROVED, and ADOPTED this, the 17th day of MAY, 2012.



Thomas C. Kuykendall, Jr., Mayor
City of Fulshear, Texas

ATTEST:



D. Gordon Offord, City Secretary

EXHIBIT "A"

CHARLIE KALKOMEY SURVEYING, INC.

A JONES & CARTER COMPANY

6415 READING ROAD
ROSENBERG, TEXAS 77471
281 342-2033

1.901 ACRE ANNEXATION TRACT

FIELD NOTES FOR A 1.901 ACRE TRACT OF LAND IN THE ENOCH LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS, SAID 1.901 ACRE TRACT BEING UNRESTRICTED RESERVE "B" OF LAMAR C.I.S.D. HIGH SCHOOL NO. 5 COMPLEX, ACCORDING TO MAP OR PLAT THEREOF RECORDED UNDER COUNTY CLERK'S FILE NUMBER 20110054, OFFICIAL PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON SAID RECORDED PLAT.

BEGINNING at a 5/8 inch iron rod found in the north right-of-way line of F. M. Highway 1093 (120-foot wide) for the southeast corner of said Unrestricted Reserve "B", same being the southwest corner of an adjoining called 137.294 acre tract recorded under County Clerk's File Number 2008000068, Official Public Records, Fort Bend County, Texas, for the southeast corner and **Place of Beginning** of the herein described tract, said point also being in the existing City of Fulshear City Limits;

THENCE South 83 degrees 02 minutes 27 seconds West (called South 83 degrees 02 minutes 27 seconds West) along south line of the herein described tract, same being the north right-of-way line of F. M. Highway 1093, and along the existing City of Fulshear City Limits, 207.73 feet (called 207.73 feet) to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found for the southwest corner of the herein described tract, same being the southwest corner of said Unrestricted Reserve "B", same being the lower southeast corner of the adjoining Restricted Reserve "A" of said Lamar C.I.S.D. High School No. 5 Complex;

THENCE North 02 degrees 45 minutes 27 seconds West (called North 02 degrees 45 minutes 27 seconds West) along the common line of the herein described tract and said adjoining Restricted Reserve "A", 399.61 feet (called 399.61 feet) to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found for the northwest corner of the herein described tract, being a reentry corner to said adjoining Restricted Reserve "A";

THENCE North 83 degrees 17 minutes 16 seconds East (called North 83 degrees 17 minutes 16 seconds East) continuing along said common line, 80.59 feet (called 80.59 feet) to a 5/8 inch iron rod found for angle point, said point being the upper southeast corner of said adjoining Restricted Reserve "A", same being the upper southwest corner of the aforementioned adjoining called 137.294 acre tract;

CHARLIE KALKOMEY
REGISTERED PROFESSIONAL LAND SURVEYOR

CHARLES A. KALKOMEY
REGISTERED PROFESSIONAL LAND SURVEYOR

CHRIS D. KALKOMEY
REGISTERED PROFESSIONAL LAND SURVEYOR

THENCE North 83 degrees 02 minutes 24 seconds East (called North 83 degrees 02 minutes 24 seconds East) along the common line of the herein described tract and said adjoining called 137.294 acre tract, 127.59 feet (called 127.59 feet) to a 5/8 inch iron rod found for the northeast corner of the herein described tract, same being a reentry corner to said adjoining called 137.294 acre tract;

THENCE South 02 degrees 41 minutes 25 seconds East (called South 02 degrees 41 minutes 25 seconds East) continuing along said common line, 399.30 feet (called 399.30 feet) to the **Place of Beginning** and containing 1.901 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.




Chris D. Kalkomey, R.P.L.S.
Texas Registration Number 5869
September 8, 2011

Job Number R8000-291-03

EXHIBIT "B"

CITY OF FULSHEAR, TEXAS, PROPOSED SERVICE PLAN FOR THE ANNEXATION OF LAND LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FULSHEAR

I. INTRODUCTION

THIS SERVICE PLAN ("PLAN") IS MADE BY THE CITY OF FULSHEAR, TEXAS, ("CITY") PURSUANT TO THE LOCAL GOVERNMENT CODE. THIS PLAN PERTAINS TO THE FOLLOWING LAND ("TRACT"):

AN APPROXIMATE 1.901 ACRES OF LAND, IN THE ENOCH LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS, SAID 1.901 ACRE TRACT BEING UNRESTRICTED RESERVE "B" OF LAMAR C.I.S.D. HIGH SCHOOL NO. 5 COMPLEX, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER COUNTY CLERK'S FILE NUMBER 20110054, OFFICIAL PUBLIC RECORD OF FORT BEND COUNTY, TEXAS.

II. TERM AND EFFECTIVE DATE

This PLAN is proposed to be in effect for a term of ten (10) years commencing on the effective date of the annexation of the TRACT. Renewal of this PLAN shall be at the discretion of the CITY and such discretion may be exercised by the City Council in such manner and for such time as the CITY may then direct.

III. SERVICE PLAN

A. Services. According to this PLAN, the CITY shall provide the same or substantially same services to the TRACT including police protection; fire protection; emergency medical services; solid waste collection; operation and maintenance of water and wastewater facilities to the TRACT that are not within the service area of another water or wastewater utility; operation and maintenance of roads and streets, including road and street lighting; operation and maintenance of parks, playgrounds, and swimming pools; and operation and maintenance of any other publicly owned facility, building, or service. The CITY shall provide such services to the TRACT to the extent that the CITY currently offers such services to similarly situated landowners. The CITY shall provide such services on the effective date of annexation. The CITY shall extend water and sewer facilities (capital improvements) to the TRACT. The initiation of water and sewer facilities began in 2011. Water and sewer facilities will be completed to the TRACT no later than December 31, 2012. The CITY does not anticipate initiating the acquisition or construction of other capital improvements after the effective date of annexation which would be necessary for providing municipal services to serve the TRACT.

This CITY may cause or allow public or private utilities, contractors, governmental entities and other public service organizations to provide such services to

EXHIBIT "B"

the TRACT, in whole or in part.

B. Scope and Quality of Proposed Service. The CITY shall provide services to the TRACT pursuant to any methods by which it extends or is authorized to extend services to any other area of the CITY. Under this PLAN, the CITY shall not provide fewer services or a lower level of services to the TRACT than were in existence in the area immediately preceding the date of annexation. However, it is not the intent of this PLAN to require that a uniform level of services be provided to all areas of the CITY, including the TRACT, where differing characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

C. Fees. The CITY may impose a fee for a service to the TRACT if the same fee is imposed within the corporate boundaries of the CITY before annexation. The CITY may impose a fee to the TRACT, over and above ad valorem taxes and fees imposed within the corporate boundaries of the CITY before annexation, to maintain the level of services that existed to the TRACT before annexation, if applicable.

NOTHING IN THIS PLAN SHALL BE INTERPRETED TO WAIVE OR OVERRIDE ANY PRE-EXISTING OBLIGATION THAT ANY OTHER PUBLIC AND/OR GOVERNMENTAL ENTITY CURRENTLY HAS TO CONSTRUCT AND/OR OTHERWISE MAINTAIN THE PUBLIC IMPROVEMENTS OR INFRASTRUCTURE CURRENTLY EXISTING TO THE TRACT.

IV. AMENDMENT; GOVERNING LAW

This PLAN may not be amended or repealed except as provided by the Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the services nor changes in the responsibilities of the various departments of the CITY shall constitute amendments to this PLAN, and the CITY reserves the right to make such changes. This PLAN is subject to, and shall be interpreted in accordance with the Local Government Code, the Constitution and laws of the federal government of the United States of America and the State of Texas.

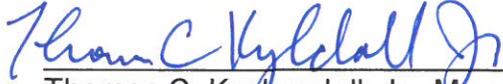
V. FORCE MAJEURE

Should a *force majeure* interrupt the services described herein, the CITY shall resume services under this PLAN within a reasonable time after the cessation of the *force majeure*. The term "*force majeure*," for the purposes of this PLAN, shall include, but not be limited to, acts of God, acts of the public enemy, war, blockades, insurrection, riots, epidemics, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government, explosions, collisions, and any other inability imposed upon the CITY whether similar to those enumerated or otherwise, which is not within the control of the CITY.

EXHIBIT "B"

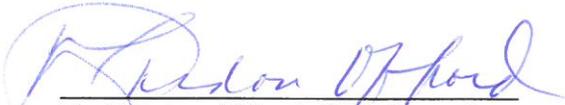
VI. ENTIRE PLAN

This document contains the entire and integrated PLAN relating to the TRACT and supersedes all other negotiations, representations, plans and agreements, whether written or oral.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1071

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2012-1058 SECTION 6.0, REGARDING EXEMPT SIGNS; SUB-SECTION 1 ENTITLED GOVERNMENT SIGNS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") finds that the unregulated construction and erection of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along roadways and Right of Ways within the City and easements; and

WHEREAS, the City Council of the City of Fulshear recognizes that protection of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards; and

WHEREAS, the City Council acted in Ordinance No. 2012-1058 to regulate signage; and

WHEREAS, the City Council is cognizant of certain exemptions that need clarification and believes that acting to remediate said needed clarification by amending the aforementioned Ordinance will promote and improve the general welfare of the City;

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise Ordinance 2012-1058 concerning Signs, Section 6.0 regarding Exempt Signs, Sub-Section 1) entitled Government Signs to clarify which signs are and are not exempt from the regulations set forth in this Ordinance.

SECTION 2.0

AMDENDED: Section 6.0 regarding the Exempt Signs, Sub-Section 1) entitled Government Signs is hereby amended to read:

"EXEMPT SIGNS: This Ordinance shall not apply to the following types of signs:

- 1) Governmental Signs. Any:

- a) Traffic sign erected at the authorization of either the County, State or Federal Government; or
- b) Sign providing Emergency Notifications on a temporary basis lasting no more than ninety (90) days erected at the authorization of the County, State or Federal Government;
- c) Sign erected by the City pursuant to and in the discharge of any Governmental function;
- d) Any reader panel sign for public schools and libraries shall be permitted, provided that each such sign does not exceed twenty-four (24) square feet in area; meets all other design standards for monument signs; does not exceed more than one such sign per school or library site; and contains only information that relates to such school or library. Such signs must be designed in such a manner that only authorized persons may change the message. A reader panel sign shall be attached to the school's or library's monument sign. A reader panel sign may be illuminated by a single light source, but the sign itself may not contain any lights, animated display, LED display or any similar technology or light source.
- e) All Government signs other than those listed in items a), b) and c) shall be subject to the permitting requirements of this Ordinance.
- f) All Government signage is exempt from any fee charged related to Permits issued."

SECTION 3.0

PENALTY CLAUSE: Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

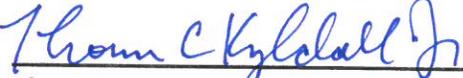
REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6.0

EFFECTIVE DATE: This Ordinance shall be effective when published as required by law.

SECTION 7.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.



Thomas C. Kuykendall Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1072

AN ORDINANCE AMENDING CITY OF FULSHEAR, TEXAS, ORDINANCE NOS. 2010-1048 BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2011-2012, BY APPROVING "BUDGET AMENDMENT I" TO THE "ORIGINAL GENERAL BUDGET OF THE CITY OF Fulshear, TEXAS, FOR THE FISCAL YEAR 2011-2012"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 2011-1048, the City Council of the City of Fulshear, Texas, adopted its "Original General Budget for Fiscal Year 2011-2012"; and

WHEREAS, the City Council has determined that revenues and/or reserves are available for supplemental appropriation, and/or that the transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting and for municipal purposes; and

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2011-2012; now, therefore,

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt an amendment to the City of Fulshear's 2011-2012 Budget.

SECTION 2.0

AMENDED: The "Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2011-2012," adopted under Ordinance No. 2011-1048 is hereby amended for municipal purposes as shown on "Budget Amendment I" to the "Original Budget of the City of Fulshear Texas, for the Fiscal year 2011-2012" attached hereto. Said Budget Amendment I shall be attached to and made a part of such Original General Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibits "A" and made a part hereof for all purposes.

SECTION 3.0

AUTHORIZED EXPENDITURE: That the City be and is hereby authorized to expend those funds allocated under the budget ordinance, as amended herein and the fund balance at the end of the current fiscal year will be carried forward to the next budget to fund the allocations for the next fiscal year.

SECTION 4.0

NON-REPEALER: That except as amended hereby, or as heretofore amended, the provisions of Ordinance No. 2011-1048 shall remain in full force and effect.

SECTION 5.0

SEVERABILITY: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect

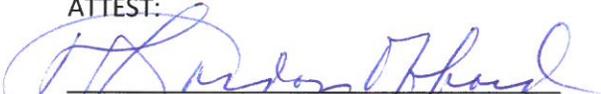
the validity of this ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

SECTION 6.0

EFFECTIVE DATE: That this ordinance shall take effect immediately from and after its passage as the law in such cases provides, and the City Secretary is directed to furnish a copy of this amendment to the budget to the County Clerk of Ft. Bend County as required by Chapter 102 of the Texas Local Government Code.


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1073

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS,
REGULATING BURGLAR ALARMS; PROVIDING A PENALTY;
PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE; AND MAKING OTHER
PROVISIONS AND FINDINGS RELATED THERETO.

* * * * *

WHEREAS, Texas Local Government Code Chapter 214 authorizes a municipality to regulate burglar alarms; and

WHEREAS, The City of Fulshear, Texas ("City") desire to regulate burglar alarm systems within the City;

WHEREAS, The City Council finds that such regulations protect the public safety and welfare and is beneficial to the City;

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

Section 1. The facts and recitations found in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

Section 2.

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

Alarm system means a device or system that transmits a signal intended to summon police in response to a burglary. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle, unless the vehicle is used for habitation at a permanent site, or an alarm designed to alert only the inhabitants within the premises.

Permit means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action.

Section 3.

Burglar alarm permit required.

- (a) A person shall complete an alarm permit application as provided by the City and obtain an alarm permit before operating an alarm system within the City.
- (b) Before the City will issue an alarm permit, applicant shall pay an alarm permit fee to the City in the amount of \$50.00 for a

residential premises and \$100.00 for a commercial premises. Alarm permits are valid for 1 year from date of issuance.

- (c) A separate alarm permit shall be obtained for each alarm premises.
- (d) An alarm permit holder shall:
 - (1) Keep a copy of the alarm permit at the alarm premises; and
 - (2) Produce the alarm permit for inspection at the request of an employee of the Police Department or other City Official.
- (e) An alarm permit holder shall file an application to renew a permit not later than thirty (30) days before its expiration and shall pay to the City an alarm permit renewal fee in the amount as set forth in subsection (b) of this section.
- (f) A tenant of a multifamily housing facility shall obtain an individual alarm permit for the individual residential dwelling before the tenant operates or causes the operation of an alarm system.
- (g) A permit issued under this ordinance is non-transferable and non-refundable.

Section 4.

Permit Revocation or Nonrenewal of permit.

The City may revoke or refuse to renew a permit after at least thirty (30) days' written notice to the applicant if the applicant or alarm permit holder has:

- (a) Makes a false statement on the application;
- (b) Fails to pay a fee or penalty assessed under this ordinance;
- (c) The premises have had eight or more false alarms during the preceding 12-month period; or
- (d) Violated the terms of this Ordinance.

Section 5.

Reinstatement of alarm permit.

The City may reinstate a revoked or non-renewed alarm permit if the City determines that the applicant or alarm permit holder:

- (a) Has paid all fees and penalties as authorized by this Ordinance; and
- (b) Complies with all provisions of this Ordinance.

Section 6.

False alarms.

- (a) If an alarm system transmits more than three false burglar alarm notifications within a 12-month period, and within 30 minutes of such alarm notification the police determine from an inspection of the interior or exterior of the premises that the alarm was false, the alarm permit holder shall pay a penalty fee to the City for the fourth and each subsequent false burglar alarms as set forth below.

Residential Alarms

- (1) For each response for the first through the 3rdNo Fee
- (2) For each response after the 3rd through the 5th\$25.00
- (3) For each response after the 5th through the 8th\$50.00
- (4) For each response after the 8th\$75.00

Commercial Alarms

- (1) For each response for the first through the 3rdNo Fee
- (2) For each response after the 3rd through the 5th\$50.00
- (3) For each response after the 5th\$75.00

Section 7. Penalty.

Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 8. Repeal.

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section 9. Severability.

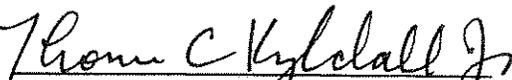
In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance 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.

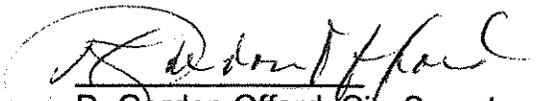
Section 10. *Effective Date.*

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by law.

PASSED, APPROVED, AND ADOPTED this the 19th June 2012.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1074

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE NO. 2010-1028 CONCERNING ALCOHOLIC BEVERAGE LICENSES ISSUED WITHIN THE CITY LIMITS; DISCONTINUING THE ISSUANCE OF LATE HOURS OPERATING PERMITS; PROVIDING FOR CONTINUATION THROUGH THE TERM OF CURRENT PERMITS; PROVIDING FOR VIOLATION AND PENALTIES; LIABILITY; REPEALER; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the City Council of Fulshear previously adopted Ordinance No. 2010-1028 providing for licenses for alcoholic beverages; and

WHEREAS, the City Council finds in the best interest for the safety and welfare of the City to amend said Ordinance and Prohibit Late Hours Permits within the City Limits; and

WHEREAS, pursuant to the laws of the State of Texas, including Texas Local Government Code section 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, pursuant to Texas Alcoholic Beverage Code, the City Council has authority to permit, collect fees and regulate proximities, hours of operation and locations for consumption within the City Limits.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to amend Ordinance No. 2010-1028 so that the City Council may promote the public health, safety, and general welfare within the City by discontinuing the permitting of late hour sales of Alcoholic Beverage sales within the City Limits in accordance with the Texas Alcoholic Beverage Code.

SECTION 2.0

AMENDED: Section 4.0 of Ordinance No. 2010-1028 is hereby amended to read:

“ **SECTION 4.0**

LATE HOURS OPERATIONS: The City will not issue any new permits for the late hours operation and retail sale of Alcoholic Beverages within the City Limits. Those establishments with such a permit approved prior to June 15, 2012 shall be allowed to continue their late hours operations through the life of said permit; however no renewal of such permit shall be made. Such permit holders may renew their standard hours permits following the expiration of their late hours permits as allowed by the Texas Alcoholic Beverage Code. “

SECTION 3.0

VIOLATIONS: Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense

SECTION 4.0

LIABILITY: Neither the City nor any authorized agent acting under the terms of this Ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 5.0

REPEALER: All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

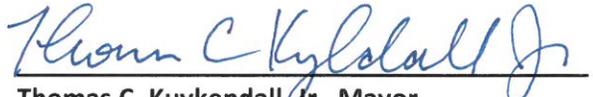
SECTION 6.0

SEVERABILITY: Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 7.0

EFFECTIVE DATE: This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

PASSED, APPROVED and ADOPTED this the 19th day of June, 2012.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1075

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, CONCERNING BURN BANS;
ALIGNING THE CITY WITH THE COUNTY DECLARATIONS ; PROVIDING FOR VIOLATION
AND PENALTIES; LIABILITY; REPEALER; SEVERABILITY; AND EFFECTIVE DATE.**

WHEREAS, the City Council finds it in the best interest for the safety and welfare of the City to adopt an Ordinance concerning Burn Bans; and

WHEREAS, the City already contracts with the Fort Bend County for Fire Marshal services; and

WHEREAS, the City Council wishes to reduce duplication of effort while maximizing public safety; and

WHEREAS, the City Council finds that deliberate or negligent burning during a Burn Ban endangers the safety of persons or property in violation of the City's adopted Fire Code Section 305.4; and

WHEREAS, the City Council believes that through the policies and procedures established and adopted by the Fort Bend County Fire Marshal and Commissioners Court (the "County"), the County is qualified to determine the need for a Burn Ban for the City; and

WHEREAS, the City Council of the City of Fulshear believes it is in the best interest and welfare of its citizens to defer to the County for the declaration of such bans and hereby adopts those declarations as effective within the City of Fulshear city limits.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to protect the safety and welfare of the citizens of the City of Fulshear by ensuring that the City can enforce a County wide Burn Ban within its Corporate Limits upon the Commissioners Court's declaration of a ban

SECTION 2.0

ADOPTED: Upon adoption of this Ordinance, any Burn Ban declared by the Fort Bend County Commissioners Court shall have the same effect and force of law within the City Limits of Fulshear as in the unincorporated areas of the County. Further any such Burn Ban thus established by the County and subsequently rescinded by the County, shall likewise be rescinded within the City Limits.

SECTION 3.0

VIOLATIONS: Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense

SECTION 4.0

LIABILITY: Neither the City nor any authorized agent acting under the terms of this Ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 5.0

REPEALER: All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 6.0

SEVERABILITY: Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 7.0

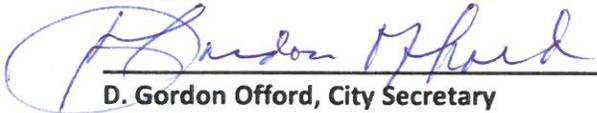
EFFECTIVE DATE: This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

PASSED, APPROVED and ADOPTED this the 19th day of June, 2012.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1076

**AN ORDINANCE OF THE CITY OF THE CITY OF FULSHEAR, TEXAS,
PROVING RULES AND REGULATIONS FOR PIPELINES; PROVIDING
FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR
REPEAL; AND PROVIDING AN EFFECTIVE DATE.**

* * * * *

WHEREAS, Chapter 121 of the Texas Utilities Code and Chapter 111 of the Texas Natural Resources Code authorize municipal regulation of pipelines; and

WHEREAS, the City of Fulshear, Texas, ("City") strives to promote orderly and safe development within the territorial limits of the City; and

WHEREAS, the City Council finds that the regulation of pipelines is in the best interest of the health, safety, and welfare of the citizens of the City;

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

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. Purpose. The purpose of this Ordinance is to provide regulation of pipeline construction, relocation, and operation within the City.

Section 3. Permit Required. No pipeline shall be installed, laid, constructed, altered, or undertaken without first obtaining a permit as provided for herein.

Section 4. Permit Process.

(a) Prior to any pipeline being installed, laid, constructed, altered, or undertaken, a person shall submit a pipeline permit application to the City. The City Engineer shall review the pipeline permit application within seven (7) business days and make a recommendation to city council on the following council agenda whether the permit should be approved or denied.

(b) The city council may deny an application because of the character and value of the permanent improvements already erected on or approximately adjacent to the proposed location; or because the pipeline or activity would impose an unreasonable burden or unduly damage the surface of the proposed site and there are alternative sites available; or for health or safety reasons; or because the proposed location might be injurious or disadvantageous to the city or to its inhabitants.

(c) After the city council acts on the application, the city secretary will provide written notice to the applicant of the city council's decision, within seven (7) days of the decision.

(d) The city council may conditionally approve any permit application.

(e) Permits shall be issued within seven (7) days after approval by the city council. The permit shall contain such terms and conditions as are consistent with the city council approval. All application materials shall be a part of the permit, although the terms and conditions of the permit supersede all items of the application in the event of a conflict.

Section 5. Application Form. The Pipeline Permit Application shall at least contain the following information:

1. Name, address, and telephone number of the applicant, and the name, address, and telephone number of a person from whom additional information regarding the application can be obtained.
2. Brief description of the activity for which the permit is sought and the potential impacts on public safety and good order of the city.
3. Legal description of the property including any plans, specifications, and construction materials to be used.
4. A general description of the pipeline, including pipe specifications, operating pressure, maximum test pressure, and the depth of the pipeline.
5. Copies of any permits, licenses, or other documents already issued by state or federal regulatory authorities approving the proposed activity.
6. A description of the product(s) to be transported.
7. The proposed date of commencement of construction and the date of estimated completion.
8. A description of the probable impact upon the flow of traffic on city streets of movement of equipment and vehicles, specifically the dates and times when public streets and sidewalks are scheduled to be closed.
9. The name and contact number of a person available at all times to call in event of emergency.
10. An agreement to remove at the owner's sole expense any portion of the pipeline which is laid within, under or across any street, road or utility right-of-way or public place, when the city reasonably requires such action to construct, maintain, or improve public improvements, including streets, water lines, sanitary sewer lines, storm sewers, ditches or public utilities.

Section 6. Fee. The application for the permit shall be accompanied by a one thousand dollar (\$1000.00) permit fee.

Section 7. Requirements for construction through public rights-of-way and easements. The pipeline shall be constructed in such a manner and with such material that it will not be a source of danger to or interfere with present or future street pavement or utilities or other pipelines or the city's property. All pipelines shall cross public streets, public properties, and public rights-of-way at a right 90-degree angle. During construction all public streets and roads shall be bored under, not cut or disturbed. Street cuts must be made and repaired in a manner acceptable to the City Administrator or his designee.

Section 8. Signs required. The permittee shall mark the location of the pipeline with a sign according to the regulations of the appropriate state or federal regulatory agency. The signs shall identify the name and 24-hour emergency number of the pipeline owner.

Section 9. Abandonment. If the permittee abandons the pipeline, the pipeline must be removed and the surface restored to its original condition as much as practicable within a reasonable time after abandonment, not to exceed 12 months.

Section 10. Penalty; nuisance.

(a) Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

(b) The City Council further finds, determines, and ordains that the operation of any pipeline in violation of any of the provisions of this Ordinance constitutes a condition which imperils and threatens the public health, safety, and welfare, which interferes with and endangers the reasonable and peaceful use of public and private property, and which is a nuisance and shall be subject to all of the remedies by law or equity.

(c) Each permit shall specify, and each permittee, by its written acceptance of the permit, shall agree that the permittee shall be liable to the city for the city's reasonable attorney fees, expert witness fees, other direct expenses, and court costs in any legal proceedings resulting in a finding of any violation of this ordinance.

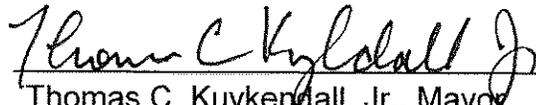
Section 11. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, 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.

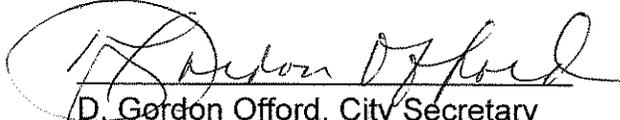
Section 12. *Repeal.* All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section 13. *Effective Date.* This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED on this 17th day of July, 2012.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1077

AN ORDINANCE AMENDING ORDINANCE NO. 2012-1073, SECTION 3, PARAGRAPH (B) CLARIFYING THE DIFFERENCE BETWEEN THE FEE FOR INITIAL ISSUANCE AND RENEWAL OF PERMITS; PROVIDING FOR A REVISED RENEWAL RATE FOR RESIDENTIAL PERMITS; PROVIDING FOR A PENALTY OF \$500.00 PER VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City adopted Ordinance No. 2012-1073 under Chapter 214 of the Texas Local Government Code; and

WHEREAS, the City has received feedback from the public and wishes to amend the Ordinance to clarify its regulations and make the financial impact more equitable.

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

SECTION 1.0

AMENDED: Section 3, Paragraph (b) of Ordinance No. 2012-1073 is hereby amended to read:

“(b) Before the City will issue an alarm permit, applicant shall pay an alarm permit fee to the City in the amount of \$50.00 for a residential premises and \$100.00 for commercial premises. Alarm permit are valid for 1 year from date of issuance. Residential permits renewing their permits after their preliminary issuance shall remit a fee of \$25.00 per year.”

SECTION 2.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 3.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4.0

PENALTY: Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

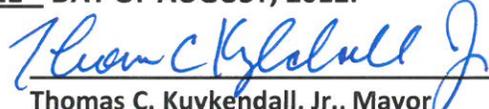
SECTION 5.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the adoption of the Ordinance by City Council.

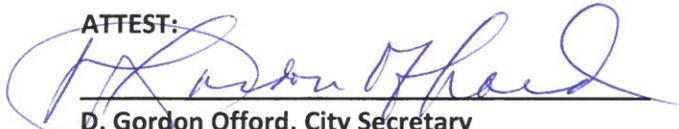
SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

DULY, PASSED, APPROVED AND ADOPTED THIS 21ST DAY OF AUGUST, 2012.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1079

AN ORDINANCE AMENDING ORDINANCE NO. 2008-982 AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TEXAS TRANSPORTATION CODE § 545.356; CLARIFYING THE IDENTIFICATION OF FM 359 AND FM 1093 PROVIDING FOR A PENALTY OF \$200.00 AND PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City adopted Ordinance No. 2008-982 on the basis of a engineering and traffic investigation; and

WHEREAS, the Texas Department of Transportation dually designates the roadway running east/ west through Fulshear from an intersection with FM 359 in the area generally understood to be "Downtown Fulshear" to the City Limits at the roadways intersection with FM 1463 as FM 359/ FM1093 concurrently; and

WHEREAS, the Ordinance in its original format failed to make note of this dual designation; and

WHEREAS, the City Council of the City of Fulshear wishes to clarify such designation.

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

SECTION 1.0

AMENDED: Section I. of Ordinance No. 2008-982 is hereby amended to read:

"Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provision of § 545.356, Texas Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- (A) Along FM 359 from the Fulshear City Limit North of Wallis to 264 feet North of 5th Street, a distance of approximately 0.821 mile, 50 MPH.
- (B) Along FM 359/ FM 1093 from the 264 feet North of 5th Street to 686 feet East of Bois D' Arc, a distance of approximately 1.249 mile, 35 MPH.
- (C) Along FM 359/FM 1093 from 686 East of Bois D' Arc to Fulshear City Limit, a distance of approximately 0.5 mile, 45 MPH.
- (D) Along FM 359/ FM 1093 from 3,326 feet East of Bois D' Arc to 7,550 feet east of Bois D' Arc(Fulshear City Limit), a distance of 0.8 mile, 50 MPH."

SECTION 2.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 3.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4.0

PENALTY: Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

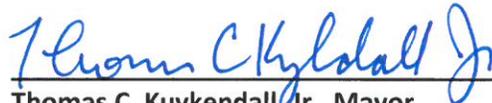
SECTION 5.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the adoption of the Ordinance by City Council.

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

PASSED AND APPROVED this 21st day of August, 2012.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1080

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REGULATING THE OPERATION TRUCKS ON CITY ROADS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas, ("City") desires to ensure the longevity of its roads; and

WHEREAS, the City's population has increased which has caused road congestion; and

WHEREAS, the operation and movement of certain trucks on City roads presents a hazard because it increases traffic congestion on City roads; and

WHEREAS, designating certain roads in the City to be designated truck routes will extend the life of City roads and lessen traffic congestion; and

WHEREAS, the City Council finds that such regulations benefit the health, safety, and general welfare of the City;

WHEREAS, the City has the authority to regulate its roads as provided by Texas Transportation Code Section 311.002 and 621.303;

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

Section 1. The facts and recitations contained in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

Section 2.

"(A) Definitions. The following definitions shall apply:

Business or work related destination means the place where a truck operator picks up or drops off cargo or people as part of its work related duties.

Designated truck routes means all state-maintained highways in the City, Cross Creek Ranch Blvd., Syms Street, Fry Road, and Fifth Street.

Truck means

1. Any truck, truck tractor, road tractor, truck trailer, semi-trailer, or any combination thereof, or any other motor vehicle with a gross vehicle weight rating in excess of 60,000 pounds;

2. Any truck, truck tractor, road tractor, truck trailer, semi-trailer, or any combination thereof, or any motor vehicle with more than two tandem axles; or

3. Any truck, truck tractor, road tractor, truck trailer, semi-trailer, or any combination thereof, or any motor vehicle with a bed that is longer than twelve (12) feet.

(B) Operators of trucks shall drive and operate their vehicle only on designated truck routes within the City of Fulshear, Texas, unless the operator's business or work related destination is so located within the City that there is no reasonable access to the destination by way of a designated large truck route.

(C) In the event an operator of a truck must use a non-designated truck route to arrive at its destination within the City, the operator shall use every reasonable effort to select the route which will minimize the use of City roads.

(D) Exemption: This Ordinance shall not apply to authorized emergency vehicles, school buses, utility vehicles engaged in performing service, government or political subdivision vehicles, vehicles providing food carrier service, or vehicles en route to a residence where the vehicle owner resides."

Section 3. Penalty. Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. 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 5. Effective date. This Ordinance shall become effective when published as required by law.

PASSED, APPROVED, and ADOPTED this the 21st day of August, 2012.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1081

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS AND PROPERTY BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, WHERE APPLICABLE BY LAW; AND ADOPTING A SERVICE PLAN.

WHEREAS, on June 19, 2012, the City of Fulshear, Texas ("City") accepted Lamar Consolidated Independent School District's ("LCISD") voluntary petition to annex certain property consisting of a 33.61 acre tract of land owned by LCISD into the City; and

WHEREAS, the property sought to be annexed meets the applicable requirements of law for annexation of property by voluntary petition of landowners of a sparsely occupied area pursuant to Sec. 43.028 of the Texas Local Government Code; and

WHEREAS, the property of land contains an approximate 33.61 acres of land, out of a part of restricted reserve "A" (100.930 acres) and restricted reserve "E" (7.165 acres) along with all of reserve "C" (9.959 acres) and all of reserve "D" (4.518 acres). As shown on the plat of Lamar C.I.S.D. High School No. 5 Complex, said plat is recorded under Fort Bend County Clerk's File Number 20110054, of the plat records of Fort Bend County, Texas, and is located in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas. Said 33.61 acre tract being more particularly described in Exhibit "A" ("Property"), which is attached hereto and incorporated herein for all purposes, and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this State have been duly followed with respect to the Property described in Exhibit "A";

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

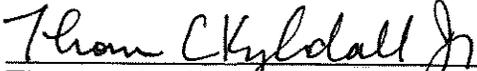
Section 1. That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. That the Property described in Exhibit "A" is hereby annexed into the City of Fulshear, Fort Bend County, Texas, and that the boundary limits of the City of Fulshear, Texas, are hereby extended to include the above described Property within the territorial limits of the City of Fulshear, Texas, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants and Property thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions, and regulations of said City where applicable by law.

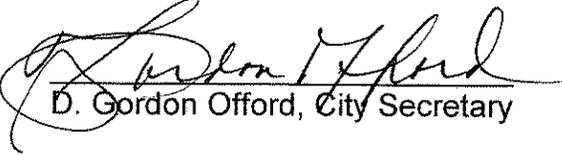
Section 3. A Service Plan for the Property is hereby adopted and attached hereto and incorporated herein for all purposes as Exhibit "B".

Section 4. The City Secretary is hereby directed to file with the County Clerk of Fort Bend County, Texas, a certified copy of this Ordinance.

PASSED, APPROVED, and ADOPTED this, the 18th day of September, 2012.


Thomas C. Kuykendall, Jr., Mayor
City of Fulshear, Texas

ATTEST:


D. Gordon Offord, City Secretary

FIELD NOTES FOR ANNEXATION OF A 33.61 ACRE TRACT BEING OUT OF AND A PART OF RESTRICTED RESERVE "A" (100.930 ACRES) AND RESTRICTED RESERVE "E" (7.165 ACRES) ALONG WITH ALL OF RESERVE "C" (9.959 ACRES) AND ALL OF RESERVE "D" (4.518 ACRES). AS SHOWN ON THE PLAT OF LAMAR C.I.S.D. HIGH SCHOOL NO.5 COMPLEX; SAID PLAT IS RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. 20110054 OF THE PLAT RECORDS OF FORT BEND COUNTY AND IS LOCATED IN THE ENOCH LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS.

BEGINNING: At a point in the present city limits of the City of Fulshear on the North line of Farm-to-Market Road No. 1093 (120 foot width) for the Southwest corner of both Reserve "E" (Bois D' Arc Road Right-of-Way – 84 foot width) of the Lamar C.I.S.D. High School No. 5 Complex Plat and the Southwest corner of the entire 124.473 acre tract covered by said plat; said point is also the Southeast corner of the Naferdon Subdivision as recorded under File No. 20040024 of the Plat Records of Fort Bend County; said point is also the Southwest corner of this annexation tract;

THENCE: North 02° 53' 53" West a distance of 813.34 feet along the present city limits line of the City of Fulshear and the West line of Reserve "E" of the Lamar C.I.S.D. High School No. 5 Complex (The School Tract) along with the East line of the Naferdon Subdivision and the East line of the Waggin' Tail Pet Ranch L.L.C. 14.4764 acre tract described in the Deed Recorded under File No. 2005011499 to a point on the West line of Reserve "E" (Bois D' Arc Road) of the Lamar C.I.S.D. High School No. 5 Complex to a point for the Northwest corner of this annexation tract;

THENCE: North 76° 28' 32" East a distance of 959.59 feet crossing thru Reserve "E" and into Reserve "A" to an interior corner of this annexation tract where it intersects a chain link fence;

THENCE: North 02° 38' 50" West along the chain link fence a distance of 454.04 feet to a corner in the chain link fence and being the upper Northwest corner of this 33.61 acre annexation tract and being located in the interior of Reserve "A" of the Lamar C.I.S.D High School No. 5 Complex;

THENCE: North 87° 19' 19" East a distance of 554.21 feet along the chain link fence to a point where it intersects the East line of Reserve "A" of the Lamar C.I.S.D. High School No. 5 Complex and the West line of the G.M. Equity Group, LLC called 137.294 ACRE TRACT (Fort Bend County Clerk's File No. 2008000068 Fort Bend County Official Public Records) for the Northeast corner of the annexation tract;

THENCE: South 03° 28' 16" East a distance of 934.92 feet with the common line between the Lamar C.I.S.D. High School No. 5 Complex and the G.M. Equity Group, LLC called 137.294 acre tract to an interior corner of the School Tract and a corner of this 33.61 acre annexation tract; said corner lies on the North line of Reserve "B" of the School Tract;

THENCE: South 83° 15' 20" West a distance of 80.59 feet to the Northwest corner of Reserve "B" of the School Tract and being an interior corner of this annexation tract;

THENCE: South 02° 45' 27" East a distance of 399.96 feet along the West line of Reserve "B" of the School Tract to a corner on the North line of F.M. 1093 for the Southwest corner of Reserve "B" and a Southeast corner of this annexation tract;

THENCE: South 82° 59' 34" West a distance of 80.22 feet along the North line of F.M. 1093 to the Southeast corner of the MGJ Holding, LP called 1.9206 acres tract (Recorded

under Clerk's File No. 2009077986 of the Fort Bend County Official Public Records) and a corner of both Reserve "A" of the School Tract and this annexation;

THENCE: North 02° 45' 27" West a distance of 399.96 feet with the East line of the MGJ Holding, LP tract to an interior corner of both Reserve "A" of the School Tract and of this 33.61 acre annexation tract;

THENCE: South 83° 12' 50" West a distance of 209.61 feet along the North line of the MGJ Holdings, LP tract to its Northwest corner and also being an interior corner of both this annexation tract and of Reserve "A" of the School Tract;

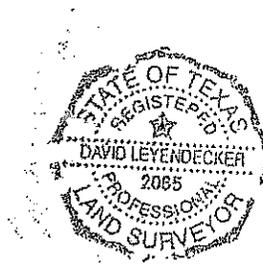
THENCE: South 02° 43' 49" East a distance of 400.79 feet along the West line of the MGJ Holdings, LP tract to its Southwest corner and also being a common corner of both Reserve "A" of the School Tract and of this annexation; said corner falls on the North line of F.M. 1093;

THENCE: South 83° 00' 13" West a distance of 1140.02 feet along the North line of F.M. 1093 and along parts of the South line of Reserve "A" of the School Tract and along all of the South line of Reserves "C", "D" & "E" of the Lamar C.I.S.D. High School No. 5 Complex (The School Tract) to the Place of Beginning and containing 33.61 acres of land for annexation with the City Limits of the City of Fulshear.

The bearings recited herein are based on the South line of Reserves "C", "D" & "E" of the School Tract and parts of the Reserve "A" of the same; bearing South 83° 00' 13" West.



For Clay & Leyendecker, Inc.
David Leyendecker, R.P.L.S.
Texas Registration No. 2085
June 19, 2012



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Fulshear-Annexation-33.61ac

EXHIBIT "B"

CITY OF FULSHEAR, TEXAS, PROPOSED SERVICE PLAN FOR THE ANNEXATION OF LAND

I. INTRODUCTION

THIS SERVICE PLAN ("PLAN") IS MADE BY THE CITY OF FULSHEAR, TEXAS, ("CITY") PURSUANT TO THE LOCAL GOVERNMENT CODE. THIS PLAN PERTAINS TO THE FOLLOWING LAND ("TRACT"):

An approximate 33.61 acres of land, out of a part of restricted reserve "A" (100.930 acres) and restricted reserve "E" (7.165 acres) along with all of reserve "C" (9.959 acres) and all of reserve "D" (4.518 acres). As shown on the plat of Lamar C.I.S.D. High School No. 5 Complex, said plat is recorded under Fort Bend County Clerk's File Number 20110054, of the plat records of Fort Bend County, Texas, and is located in the Enoch Latham Survey, Abstract 50, Fort Bend County, Texas. Said 33.61 acre tract being more particularly described in Attachment 1, which is attached hereto and incorporated herein for all purposes.

II. TERM AND EFFECTIVE DATE

This PLAN is proposed to be in effect for a term of ten (10) years commencing on the effective date of the annexation of the TRACT. Renewal of this PLAN shall be at the discretion of the CITY and such discretion may be exercised by the City Council in such manner and for such time as the CITY may then direct.

III. SERVICE PLAN

A. Services. According to this PLAN, the CITY shall provide the same or substantially same services to the TRACT including police protection; fire protection; emergency medical services; solid waste collection; operation and maintenance of water and wastewater facilities to the TRACT that are not within the service area of another water or wastewater utility; operation and maintenance of roads and streets, including road and street lighting; operation and maintenance of parks, playgrounds, and swimming pools; and operation and maintenance of any other publicly owned facility, building, or service. The CITY shall provide such services to the TRACT to the extent that the CITY currently offers such services to similarly situated landowners. The CITY shall provide such services on the effective date of annexation. The CITY has extended water and wastewater mains (capital improvements) to the TRACT. The CITY anticipates initiating the acquisition or construction of other capital improvements after the effective date of annexation which would be necessary for providing municipal services to serve the TRACT, namely the expansion of a wastewater treatment plant, which such acquisition and construction shall be governed by the terms of the Development Agreement between the City and Lamar Consolidated Independent School District (LCISD).

EXHIBIT "B"

This CITY may cause or allow public or private utilities, contractors, governmental entities and other public service organizations to provide such services to the TRACT, in whole or in part.

B. Scope and Quality of Proposed Service. The CITY shall provide services to the TRACT pursuant to any methods by which it extends or is authorized to extend services to any other area of the CITY. Under this PLAN, the CITY shall not provide fewer services or a lower level of services to the TRACT than were in existence in the area immediately preceding the date of annexation. However, it is not the intent of this PLAN to require that a uniform level of services be provided to all areas of the CITY, including the TRACT, where differing characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

C. Fees. The CITY may impose a fee for a service to the TRACT if the same fee is imposed within the corporate boundaries of the CITY before annexation. The CITY may impose a fee to the TRACT, over and above ad valorem taxes and fees imposed within the corporate boundaries of the CITY before annexation, to maintain the level of services that existed to the TRACT before annexation, if applicable.

NOTHING IN THIS PLAN SHALL BE INTERPRETED TO WAIVE OR OVERRIDE ANY PRE-EXISTING OBLIGATION THAT ANY OTHER PUBLIC AND/OR GOVERNMENTAL ENTITY CURRENTLY HAS TO CONSTRUCT AND/OR OTHERWISE MAINTAIN THE PUBLIC IMPROVEMENTS OR INFRASTRUCTURE CURRENTLY EXISTING TO THE TRACT.

IV. AMENDMENT; GOVERNING LAW

This PLAN may not be amended or repealed except as provided by the Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the services nor changes in the responsibilities of the various departments of the CITY shall constitute amendments to this PLAN, and the CITY reserves the right to make such changes. This PLAN is subject to, and shall be interpreted in accordance with the Local Government Code, the Constitution and laws of the federal government of the United States of America and the State of Texas.

V. FORCE MAJEURE

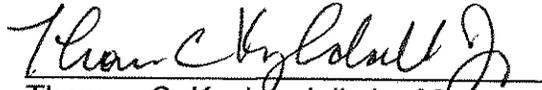
Should a *force majeure* interrupt the services described herein, the CITY shall resume services under this PLAN within a reasonable time after the cessation of the *force majeure*. The term "*force majeure*," for the purposes of this PLAN, shall include, but not be limited to, acts of God, acts of the public enemy, war, blockades, insurrection, riots, epidemics, lightning, earthquakes, fires, storms, floods, washouts, droughts,

EXHIBIT "B"

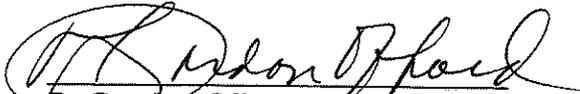
tornadoes, hurricanes, arrests and restraints of government, explosions, collisions, and any other inability imposed upon the CITY whether similar to those enumerated or otherwise, which is not within the control of the CITY.

VI. ENTIRE PLAN

This document along with the terms of the Development Agreement between the City and LCISD contains the entire and integrated PLAN relating to the TRACT and supersedes all other negotiations, representations, plans and agreements, whether written or oral.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

FIELD NOTES FOR ANNEXATION OF A 33.61 ACRE TRACT BEING OUT OF AND A PART OF RESTRICTED RESERVE "A" (100.930 ACRES) AND RESTRICTED RESERVE "E" (7.165 ACRES) ALONG WITH ALL OF RESERVE "C" (9.959 ACRES) AND ALL OF RESERVE "D" (4.518 ACRES). AS SHOWN ON THE PLAT OF LAMAR C.I.S.D. HIGH SCHOOL NO.5 COMPLEX; SAID PLAT IS RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. 20110064 OF THE PLAT RECORDS OF FORT BEND COUNTY AND IS LOCATED IN THE ENOCH LATHAM SURVEY, ABSTRACT 50, FORT BEND COUNTY, TEXAS.

BEGINNING: At a point in the present city limits of the City of Fulshear on the North line of Farm-to-Market Road No. 1093 (120 foot width) for the Southwest corner of both Reserve "E" (Bois D' Arc Road Right-of-Way - 84 foot width) of the Lamar C.I.S.D. High School No. 5 Complex Plat and the Southwest corner of the entire 124.473 acre tract covered by said plat; said point is also the Southeast corner of the Naferton Subdivision as recorded under File No. 20040024 of the Plat Records of Fort Bend County; said point is also the Southwest corner of this annexation tract;

THENCE: North 02° 53' 53" West a distance of 813.34 feet along the present city limits line of the City of Fulshear and the West line of Reserve "E" of the Lamar C.I.S.D. High School No. 5 Complex (The School Tract) along with the East line of the Naferton Subdivision and the East line of the Waggin' Tail Pet Ranch L.L.C. 14,4764 acre tract described in the Deed Recorded under File No. 2005011499 to a point on the West line of Reserve "E" (Bois D' Arc Road) of the Lamar C.I.S.D. High School No. 5 Complex to a point for the Northwest corner of this annexation tract;

THENCE: North 76° 28' 32" East a distance of 959.59 feet crossing thru Reserve "E" and into Reserve "A" to an interior corner of this annexation tract where it intersects a chain link fence;

THENCE: North 02° 38' 50" West along the chain link fence a distance of 454.04 feet to a corner in the chain link fence and being the upper Northwest corner of this 33.61 acre annexation tract and being located in the interior of Reserve "A" of the Lamar C.I.S.D High School No. 5 Complex;

THENCE: North 87° 19' 19" East a distance of 554.21 feet along the chain link fence to a point where it intersects the East line of Reserve "A" of the Lamar C.I.S.D. High School No. 5 Complex and the West line of the G.M. Equity Group, LLC called 137.294 ACRE TRACT (Fort Bend County Clerk's File No. 2008000068 Fort Bend County Official Public Records) for the Northeast corner of the annexation tract;

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THENCE: South 83° 15' 20" West a distance of 80.59 feet to the Northwest corner of Reserve "B" of the School Tract and being an interior corner of this annexation tract;

THENCE: South 02° 45' 27" East a distance of 399.96 feet along the West line of Reserve "B" of the School Tract to a corner on the North line of F.M. 1093 for the Southwest corner of Reserve "B" and a Southeast corner of this annexation tract;

THENCE: South 82° 59' 34" West a distance of 80.22 feet along the North line of F.M. 1093 to the Southeast corner of the MGJ Holding, LP called 1.9206 acres tract (Recorded

under Clerk's File No. 2009077986 of the Fort Bend County Official Public Records) and a corner of both Reserve "A" of the School Tract and this annexation;

THENCE; North 02° 45' 27" West a distance of 399.96 feet with the East line of the MGJ Holding, LP tract to an interior corner of both Reserve "A" of the School Tract and of this 33.61 acre annexation tract;

THENCE: South 83° 12' 50" West a distance of 209.61 feet along the North line of the MGJ Holdings, LP tract to its Northwest corner and also being an Interior corner of both this annexation tract and of Reserve "A" of the School Tract;

THENCE: South 02° 43' 49" East a distance of 400.79 feet along the West line of the MGJ Holdings, LP tract to its Southwest corner and also being a common corner of both Reserve "A" of the School Tract and of this annexation; said corner falls on the North line of F.M. 1093;

THENCE: South 83° 00' 13" West a distance of 1140.02 feet along the North line of F.M. 1093 and along parts of the South line of Reserve "A" of the School Tract and along all of the South line of Reserves "C", "D" & "E" of the Lamar C.I.S.D. High School No. 5 Complex (The School Tract) to the Place of Beginning and containing 33.61 acres of land for annexation with the City Limits of the City of Fulshear.

The bearings recited herein are based on the South line of Reserves "C", "D" & "E" of the School Tract and parts of the Reserve "A" of the same; bearing South 83° 00' 13" West.



For Clay & Leyendecker, Inc.
David Leyendecker, R.P.L.S.
Texas Registration No. 2085
June 19, 2012



PE
Fulshear-Annexation-33.61ac

ORDINANCE NO. 2012-1082

AN ORDINANCE ADOPTING THE CITY OF FULSHEAR'S FISCAL YEAR 2012-2013 BUDGET

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF FULSHEAR FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; APPROPRIATING FUNDS FOR THE GENERAL AND ENTERPRISE OPERATIONS, CAPITAL IMPROVEMENTS, REGIONAL PARKS AND THE OPERATIONS OF THE 4A AND 4B DEVELOPMENT CORPORATIONS; FURTHER APPROPRIATING FUNDS TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF FULSHEAR FOR THE 2012-2013 FISCAL YEAR.

WHEREAS, the budget appended here as Exhibit A for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 was duly presented to the City Council and a public notice of a public hearing was caused and said notice was duly published in the Fort Bend Herald and said public hearing was held according to said notice.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to budget and appropriate funds for the Fiscal year 2012-2013.

SECTION 2.0

APPROPRIATED: The appropriations for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013, for the support of the General government, its Enterprise operations, Capital Improvements, Regional Parks and the City's 4A and 4B Corporations of the City of Fulshear, Texas be fixed and determined for said terms in accordance with the expenditures shown in the City's Fiscal Year 2012-2013 Budget, a copy of which is appended hereto as Exhibit A.

SECTION 3.0

ADOPTED: The budget as shown in words and figures in Exhibit A is hereby adopted in all respects as the City's budget for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013.

SECTION 4.0

DEBT PAYMENTS APPROPRIATED: Any and all amounts of interest and principal due on debt held by the City and shown in the City budget is hereby appropriated toward the retirement of said debt.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 7.0

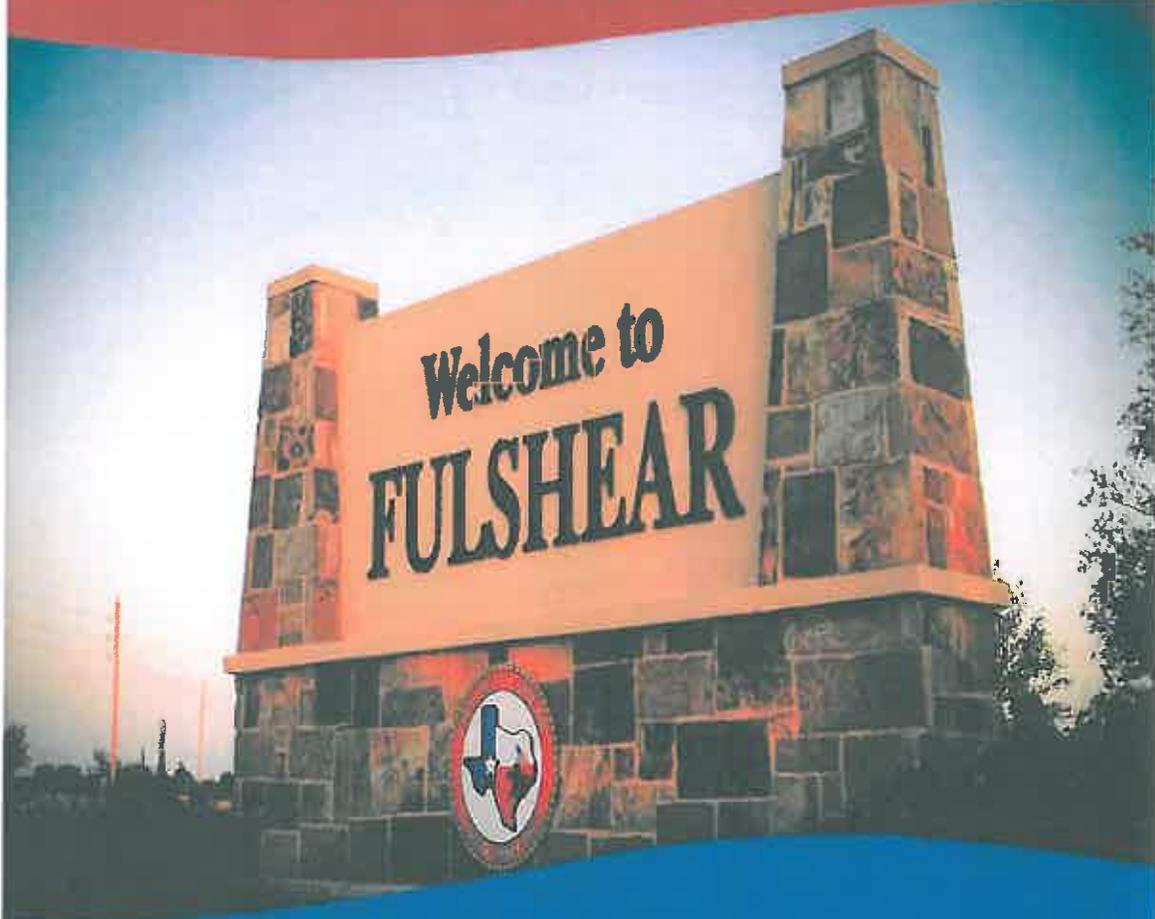
SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

FIND YOUR FUTURE IN
FULSHEAR



THE CITY OF FULSHEAR
FISCAL YEAR 2012-2013
OPERATING BUDGETS



CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$150,597 OR 27.9%, AND OF THAT AMOUNT \$110,998 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.



CITY OF FULSHEAR, TEXAS

FY 2012-2013 BUDGET

In presenting this budget, the following statistics are set out:

The Certified 2012 Appraisal Roll Valuation for the City of Fulshear is \$284,131,106. The Total Assessed Valuation is based on 100% of the true or market value of real and personal property. It is estimated that \$578,650.05 will be assessed and \$578,650.05 will be collected on the basis of the Maintenance and Operations Tax Rate of \$0.203656 per \$100 valuation.

We Thomas C. Kuykendall Jr., Mayor; Stephen Gill, Mayor Pro Tem; J.B. Collins, Jeff Roberts, Laverne Patterson, and Larry Beustring, Aldermen do hereby certify that the attached budget is a true and correct copy of the budget for the 2012-2013 Fiscal Year as adopted on September 22, 2012.

Thomas C. Kuykendall Jr., Mayor

Stephen Gill, Mayor Pro Tem

J.B. Collins, Alderman

Jeff Roberts, Alderman

Laverne Patterson, Alderman

Larry Beustring, Alderman

ATTEST:

CJ Snipes, City Administrator



CITY OF FULSHEAR, TEXAS **FY 2012-2013 BUDGET**

MAYOR

Thomas C. Kuykendall Jr.

COUNCIL MEMBERS

J.B. Collins
Stephen Gill
Jeff Roberts
Laverne Patterson
Larry Beustring

ADMINISTRATION

C.J. Snipes	City Administrator
D. Gordon Offord	City Secretary
Kristi J. Brashear	Finance Director
Cheryl Stalinsky	Economic Development
Kenny Seymour	Chief of Police
Michelle Kirchner	Building Official



CITY OF FULSHEAR, TEXAS

FY 2012-2013 BUDGET

GLOSSARY

To assist the reader in understanding various terms in the Annual Budget, a budget glossary has been included.

AD VALOREM TAXES – Commonly referred to as property taxes; charges levied on all real and certain personal property according to the property's assessed valuation and the tax rate, in compliance with the State Property Tax Code.

AMENDED BUDGET – Includes the adopted budget for a fiscal year, plus any changes to the budget.

ANNEXED PROPERTY – Land previously outside the City limits that becomes part of the City during a year through the legal process of incorporation.

APPROPRIATION – An authorization made by the city council which permits the city to incur obligation and to make expenditures of resources.

ASSESSED VALUATION – A valuation set upon real estate or other property by the County Appraisal District to be used as a basis for levying taxes.

AUDIT – A comprehensive review of the manner in which the government's resources were actually utilized. A certified public accountant issues an opinion over the presentation of financial statements, test the controls over the safekeeping of assets and makes recommendations for improvements where necessary.

BOND – A written promise, generally under seal, to pay a specified sum of money called the face value, at a fixed time in the future call the date of maturity, and carrying interest at a fixed rate, usually payable periodically. The difference between a note and a bond is that the latter usually runs for a longer period of time and requires greater legal format.

BUDGET – A plan of operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them.

BUDGET YEAR – The fiscal year of the City which begins October 1 and ends September 30.



CITY OF FULSHEAR, TEXAS **FY 2012-2013 BUDGET**

CAPITAL EXPENDITURES – Proposed expenditures for major improvements, equipment, vehicles, or machinery that results in the acquisition of assets with a useful life of more than one year.

CERTIFICATES OF OBLIGATION – Forms of debt that are backed by a pledge of the full faith and credit of the City. This form of debt differs from general obligation bonds in that they do not require direct approval of the voters rather an indirect approval.

DEBT SERVICE – The City's obligation to pay principal and interest on bonded debt according to a predetermined payment schedule.

DELIQUENT TAXES – Taxes that remain unpaid after the date on which a penalty for nonpayment is attached. Tax statements are mailed out in October and become delinquent if unpaid by January 31st.

DEPARTMENT – A major organizational unit that reports directly to the city manager. This unit may be responsible for one type of activity or several types of activities.

DEPRECIATION – The process of estimating and recording the expired useful life of a fixed asset which is used to distribute its cost over its revenue producing years.

EFFECTIVE TAX RATE – The rate which produces the same effect in terms of the total amount of taxes as compared to the prior year.

EXPENDITURE – The outflow of funds paid or to be paid for an asset obtained or goods or services obtained regardless of when the expense is actually paid.

EXPENSE – Charges incurred whether paid immediately or unpaid for operation, maintenance, interest and other charges.

FISCAL YEAR – An accounting period, typically twelve months, to which the annual budget applies and at the end of which a city determines its financial position and results of operations. The City's fiscal year is October 1 through September 30.

FIXED ASSETS – Assets of long-term character which are intended to continue to be held or used, such as land, buildings, machinery, furniture, and other equipment.

GENERAL FUND – The fund that is available for any legal authorized purpose and which is therefore used to account for all revenues and all activities except those required to



CITY OF FULSHEAR, TEXAS FY 2012-2013 BUDGET

be accounted for in another fund. Note: The General Fund is used to finance the ordinary operations of a governmental unit.

GRANT – A contribution by one governmental unit to another. The contribution is usually made to aid in the support of a specified function, but it is sometimes also for general purposes.

INTERFUND TRANSFERS – The movement of monies between funds of the same governmental entity.

PERSONNEL EXPENDITURES – For the purpose of budgeting, this term refers to all wages and related items: regular pay, premium pay, longevity pay, social security, life insurance, retirement plan contributions, health insurance and worker's compensation insurance.

PROPERTY TAXES – Used to describe all revenues received in a period from current taxes and delinquent taxes. Property taxes are levied on both real and personal property according to the property's valuation and tax rate.

REVENUE – The yield of taxes and other monetary resources that the City collects and receives into the treasury for public use.

ROLLBACK TAX RATE – A calculated maximum rate allowed by law without voter approval. The rollback rate provides the taxing unit with about the same amount of tax revenue it spent the previous year for day-to-day operations, plus an extra 8% increase for those operations plus sufficient fund to pay debts in the coming year.

TAX BASE – The total value of all real, person and mineral property in the City as of January 1st of each year, as certified by the Country Appraisal District. The tax base represents net value after all exemptions.

TAX RATE – Total tax rate is set by Council and is made up of two components: debt service and operations rates. It is the amount levied for each \$100 of assessed valuation.



CITY OF FULSHEAR, TEXAS **FY 2012-2013 BUDGET**

Fiscal Year 2011-2012 Review

The City will finish the Fiscal Year 2011-2012 in very good financial health. The City received a clean audit indicating reserves in excess of 100% operating expenses meaning that the City can effectively function for a year on Fund Balance alone. This has allowed the City to undertake a number of infrastructure improvement and other projects that had been lacking in prior years and will provide funds to expand those infrastructure projects into the coming years.

In Fiscal Year 2011-2012 the City achieved a number of goals identified through previous planning; which will provide for quality growth in the future. Some of those projects include tangible benefits to capital infrastructure, such as:

- **Renovation of the Old Town Water Plant:** Although getting these projects completed lead to numerous complications and headaches from water outages, the new pump and revitalized Standpipe will provide adequate pressure and volume to the system going forward which means better Fire Service and more capacity for growth.



- **Expansion of Water and Waste Water Services East along FM 1093:** This project will be a game changer for the City's future as it opens up a corridor for significant commercial development, which will drive Sales Tax receipts which are critical to ensuring a low Ad Valorem (Property Tax) rate in the future. This project is a terrific example of the City partnering with the 4A Development Corporation and the Governor's Office of Economic Development to enhance the infrastructure needed for Fulshear's growth.



CITY OF FULSHEAR, TEXAS **FY 2012-2013 BUDGET**

- **Drainage Improvements to Downtown:** For the first time in nearly 30 years, the City was able to enhance the drainage on the West side of Downtown and facilitate more sanitary conditions to that neighborhood.
- **Renovation/ Creation of an Emergency Operations Center at City Hall:** Thanks to matching Grant Funds from the State and Federal Governments the City will have emergency power and soon complete connectivity to ensure that the City remains operable during Hurricanes and other events.



- **Parking Lot Improvements at the Irene Stern Community Center:** This 4B Development Corporation project expanded the parking capacity at the Irene Stern Community Center enabling the facility to host more events which will attract more people to the area.



Perhaps not as tangible, but equally as important the City was able to complete other projects which enhance the lives of the residents, but also ensure their properties are protected now and in the future. Examples of those projects include:

- **Institution of Zoning:** While at times controversial this Ordinance will afford the individual property owners in the City more protection for their lifestyle and property value than they ever enjoyed before.



CITY OF FULSHEAR, TEXAS **FY 2012-2013 BUDGET**

- **Provision of 24/7 Policing:** Long a goal of the City; the Fulshear Police Department is now staffed and equipped to provide around the clock police services to the community.
- **Enhanced Communications:** While still a work in progress, the City's new website is a substantial upgrade in the ease of providing information. Likewise, the Blackboard Connect System has proven invaluable to the City in making sure residents are aware of potential dangers and community events.
- **CERT Launched:** This year also saw the City launch another Public Safety/ Emergency Preparedness initiative as the first Community Emergency Response Team Volunteer class from Fulshear was trained. Comprised of 23 volunteers from around the area, this team is ready to step in and serve as responders for a variety of natural and manmade disasters.



- **BeautiFulshear:** Thanks to an array of community partners, including Faith Based, For Profit and Non-Profit organizations the City was able to conduct its second major event in April 2012. The Spring Clean Event saw 67 volunteers work on 3 projects. Area 1 was the downtown district where we picked up rubbish from the curbs that residents left out for us and cleaned the right of ways of Katy Fulshear Rd and Huggins. Area 2 went out to Cross Creek Ranch and cleaned the lakes and walking trails of the Subdivision. Area 3 went down Bois D Arch cleaning the right of way. We had a huge success from the help of our volunteers and our local businesses that donated to the project.



CITY OF FULSHEAR, TEXAS **FY 2012-2013 BUDGET**

- **Community Events:** Another "labor of Love" from resident volunteers and partner organizations throughout the Community; this year saw the City celebrate Christmas with Santa on a Longhorn, Pipers and Dancers on St. Patrick's Day, and despite the rain music and Fireworks on the 4th of July. All of these events brought hundreds into downtown and helped boost local retailers who reported some of their strongest sales days of the year.
- **Marketing:** With our partners at the 4A and 4B Corporation, the City has worked to get the word out about Fulshear through the launching of the **"Find your Future in Fulshear"** Campaign, participation in the Texas One Marketing campaign and attending numerous regional and national trade show events. One of the City's greatest achievements in getting its name out required no budget funds at all...just some persistence from the Mayor as shown by the new Exit signs adorning I-10.



All in all it was a very successful year for the City in financial terms and in terms of projects and processes that will benefit the City for years to come. However, the works is by no means complete and there are a number of projects begun this Fiscal Year that will be completed in the coming Fiscal Year that will have impacts for generations in this community. Those include finalization of the Comprehensive Plan, revision to the Subdivision and Masonry Ordinances among others.



CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

Current Financial Conditions

As previously, stated the City enters Fiscal Year 2012-2013 in excellent shape. The General Fund Reserve is very healthy as are the City's other Funds as evidenced by the chart below:

City of Fulshear Cash and Investment Fund Balances as of 8/31/2012

General Fund	\$	1,962,768.70
Capital Projects	\$	237,829.11
Fulshear Enterprise	\$	144,869.31
Cross Creek Enterprise	\$	759,753.20
Municipal Court and Police Restricted	\$	20,214.37
Regional Parks Fund Restricted	\$	271,406.86
<u>Fulshear Water Fund Restricted</u>	<u>\$</u>	<u>318,244.87</u>
Total Cash & Investments	\$	3,715,086.42



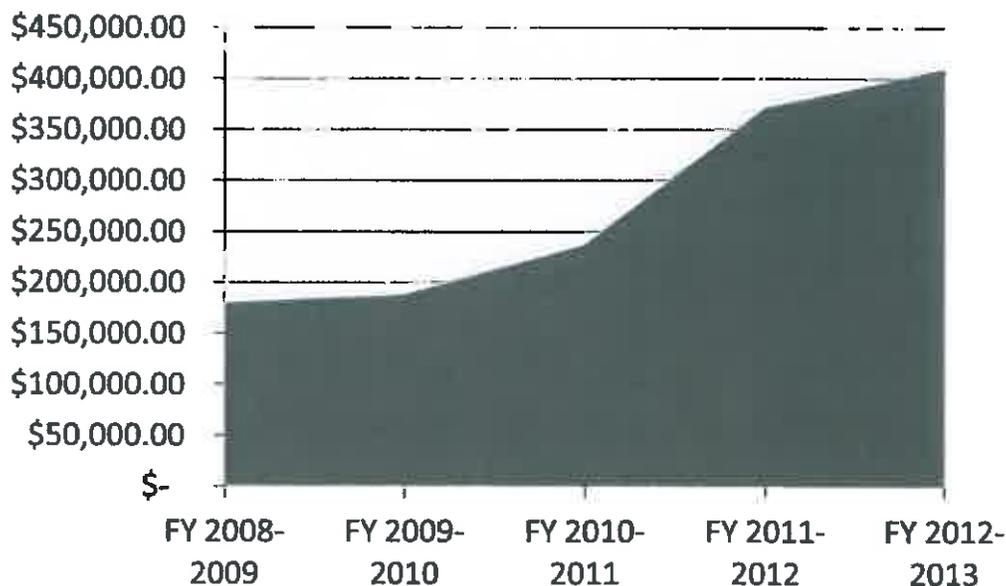
CITY OF FULSHEAR, TEXAS **FY 2012-2013 BUDGET**

General Fund Budget Notes

This Budget includes the General Operating Funds for the City provided primarily through Ad Valorem, Sales Tax revenues as well as Building/Permit revenues. The Column in the budget entitled 2011-2012 AMD reflects the FY 2011-2012 Budget as amended. This year's General Fund Budget includes the Following Highlights:

- Thanks to healthy increases in revenue and expedient stewardship of the City's expenditures this year's General Fund budget will be balanced.
- This year's General Fund Budget represents the continuing growth of the City as the local economy continues to thrive based on a strong energy market. This year's budget anticipates a 52% increase in expected Total Revenues (despite a reduction in the Property Tax Rate) and a 29% increase in expected Total Expenditures. Proof of the strong local economy can be found in the chart below which details the rapid growth in Sales Tax Revenues experienced by the City.

City of Fulshear Sales Tax Growth

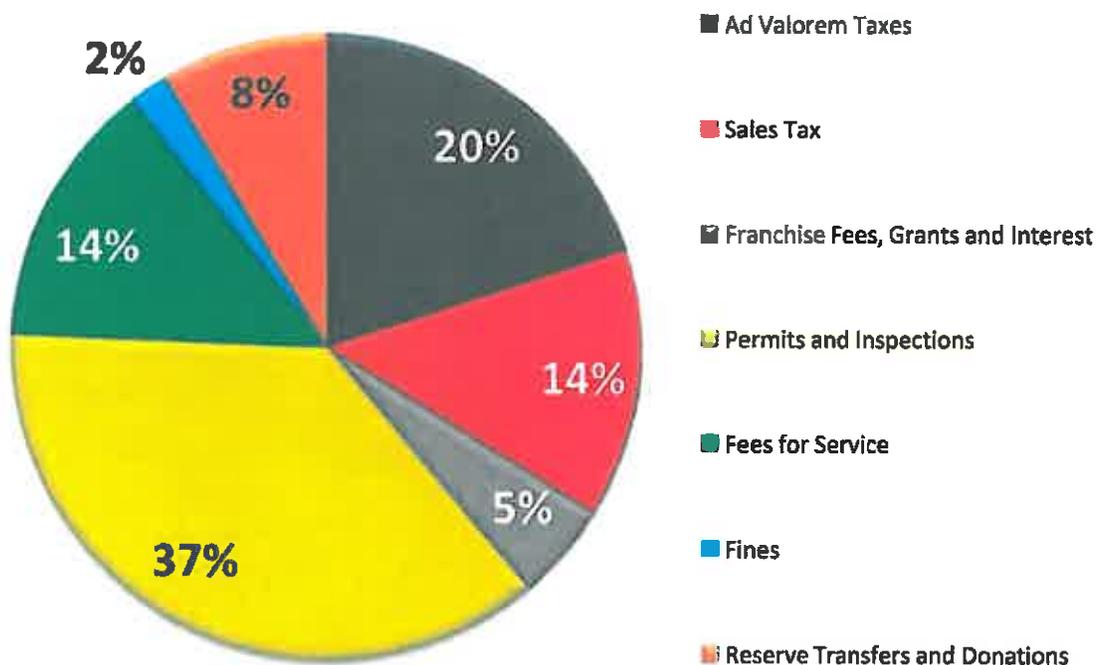




CITY OF FULSHEAR, TEXAS FY 2012-2013 BUDGET

- Much of the City's projected Revenue growth comes from the generation of fees associated with Permits and Inspections, as well as growth in Sales Tax and Fees for service. The chart below details the anticipated revenues for the coming Fiscal Year. The projections are based on trends in the local market.

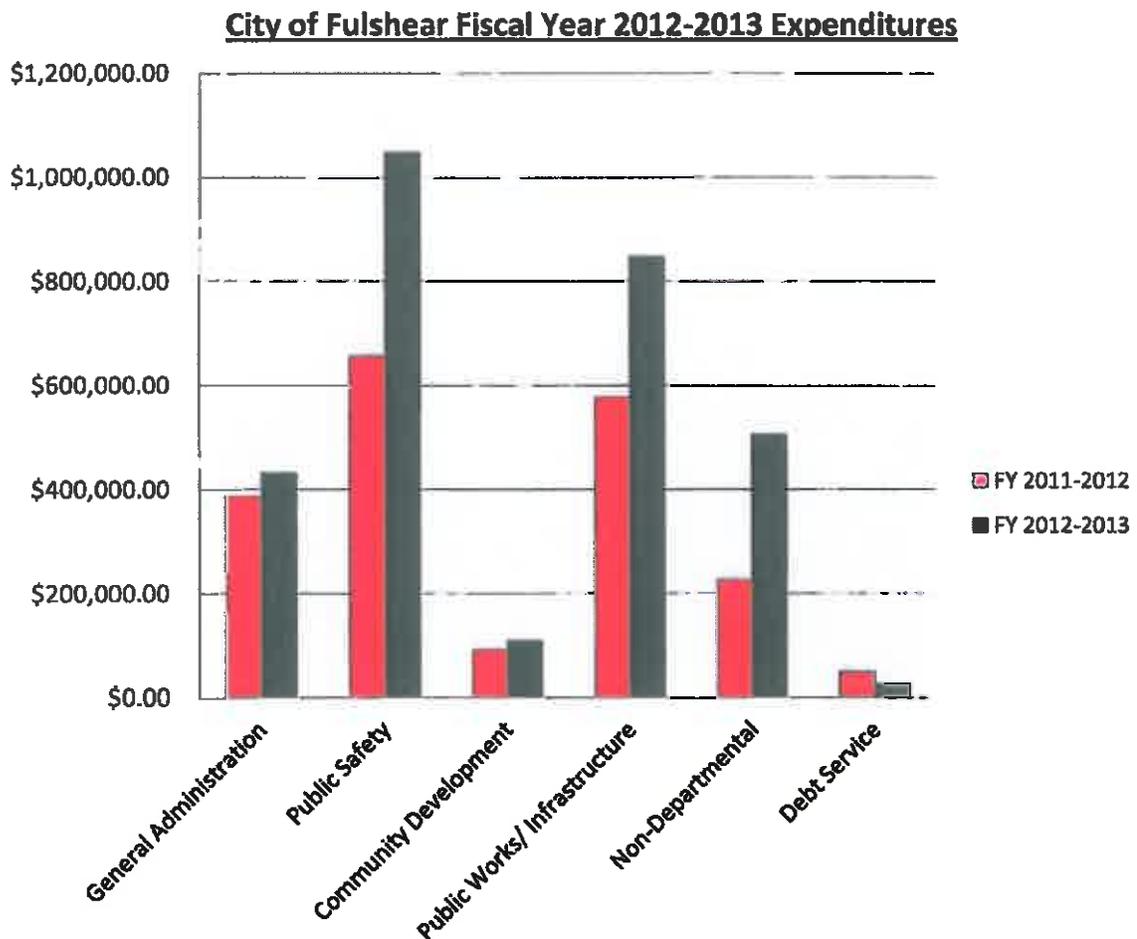
City of Fulshear Fiscal Year 2012-2013 Revenues





CITY OF FULSHEAR, TEXAS FY 2012-2013 BUDGET

- Accompanying the growth in Revenues the City anticipates increasing expenditures by 29% Year over Year. The chart below identifies the areas of expenditure for the new Fiscal Year compared to Fiscal Year 2011-2012.



The growth in Budget expenditures is meant to match the growth in City as a whole. Below are listed the Highlights of the City's growth as represented in the chart above:

- Perhaps the most exciting expenditure the City will make goes towards Public Works/ Infrastructure growth. This year marks the beginning of a four year



CITY OF FULSHEAR, TEXAS

FY 2012-2013 BUDGET

cycle of the City's Street Capital Improvement Projects. This year the General Fund Reserve will transfer more than \$525,000 to the Capital Improvements Budget to fund the resurfacing and reconstruction of some of the City's worst streets including, Bois D'Arc, Terry, McKinnon and Syms. This marks the City's first comprehensive approach to street maintenance. By the end of the cycle, all of the City's streets not located within a Master Planned Development will have been repaired and re-surfaced.

- In the realm of Public Safety changes include:
 - Transition of one Part-time Police Officer position to Full-time status in addition to the hiring of one new officer. This will bring the number of Full-time officers to seven (7) allowing the City to provide 24/7 coverage with at least two officers on duty at all times.
 - Expansion of the Police Patrol Fleet through the addition of two new vehicles and enhancing the technology of the entire fleet through the introduction of the Coban camera system.
 - To aid in enhancing Officer Safety and increase efficiency in the Municipal Court the upcoming Fiscal Year will see the introduction of an automated Ticket Management System.
 - The creation of an Emergency Operations budget category to ensure the CERT team continues to train and grow; as well as improve upon the capabilities of the staff through additional equipment and technology for responding in the event of emergency.
 - The expansion of the Inspection/ Code Enforcement staff by adding another Full-time Inspector after the first Quarter of next Fiscal Year. The Builder Services/ Code Enforcement Department processes approximately 45 new permits a month and conducts on average 285 inspections a month. Those numbers are projected to grow substantially in the next year based on current sales trends and input from our partner developers.
 - The Builder Services/ Code Enforcement Department Fleet will also be expanded by an additional vehicle in the coming Fiscal Year.



CITY OF FULSHEAR, TEXAS

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- In the Non-Departmental Budget growth can be found several changes from years' past including:
 - A discretionary Merit Increase pool for staff. The pool consists of approximately \$23,000 or 3% of the total salary pool. This marks the first time in many years that the City will increase on a merit basis in many years. These potential increases will come on top of a 3% across the board Cost of Living Adjustment for all staff.
 - The rebates for our two major Master Planned Communities continue to grow with their growth in valuations.
 - This section of the Budget also includes Consulting Fees in anticipation of the City beginning the Home Rule Charter process as it rapidly approaches the 5,000 resident threshold required for that process under the Texas Constitution.
- Expenditure highlights in the General Administration and Community Development budgets include salary increases for staff, a new vehicle for Administration, Codification of City Ordinances, technology upgrades and continuation of the Comprehensive Planning Process.
- Finally, the City is extremely proud to note that its Debt Service component is still among the lowest for Cities in the area and was halved this year as the City retired the debt on one of its tractors.

Revenues	2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percent Change
Tax Revenue	\$896,915.73	\$1,064,822.61	\$1,121,128.99	25.00%
License & Permit Revenue	\$698,044.00	\$990,437.36	\$1,074,214.60	53.89%
Grant Revenue	\$36,000.00	\$21,000.00	\$15,052.00	-100.00%
Service Revenue	\$293,971.00	\$369,392.50	\$403,372.00	37.21%
Fines & Forfeitures Revenue	\$59,810.00	\$67,117.78	\$61,510.00	2.84%
Interest Revenue	\$6,300.00	\$5,037.69	\$5,300.00	-15.87%
Other Revenue	\$34,260.00	\$38,425.18	\$247,535.18	622.52%
Total Revenue	\$2,025,300.73	\$2,556,233.11	\$2,928,112.77	44.58%

Expenditures	2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percent Change
General Administration	\$437,416.60	\$386,680.57	\$424,401.23	-2.98%
City Council	\$9,306.00	\$6,715.02	\$7,600.00	-18.33%
Builder Services/ Code Enforcem	\$168,758.39	\$165,055.58	\$256,292.91	51.87%
Community Development	\$69,184.13	\$67,291.54	\$71,824.10	3.82%
Emergency Management	\$0.00	\$0.00	\$32,280.00	322800.00%
Facilities	\$91,356.00	\$70,344.99	\$84,706.00	-7.28%
Municipal Court	\$72,053.83	\$65,134.57	\$77,238.70	7.20%
Special Events	\$39,000.00	\$23,894.05	\$37,000.00	-5.13%
Non-Departmental	\$620,071.31	\$512,476.01	\$993,582.43	60.24%
Police Department	\$456,850.22	\$425,508.91	\$681,491.09	49.17%
Public Works/ Maintenance	\$154,934.24	\$133,736.34	\$135,418.80	-12.60%
Streets	\$98,700.00	\$95,558.05	\$101,500.00	2.84%
Debt Service	\$55,300.00	\$48,575.18	\$24,777.50	-55.19%
Total Expenditures	\$2,272,930.72	\$2,000,970.81	\$2,928,112.77	28.83%
Revenue Over/ Under	(\$247,629.99)	\$555,262.30	\$0.00	-100.00%

General Fund Revenues					
Tax Revenue					
Fund	Description	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percentage Change
100	Other Income	\$0.00	\$87.79	\$1.00	100.00%
100	Ad Valorem Tax Collection - Current Year	\$520,566.20	\$521,342.11	\$578,650.05	11.16%
100	Ad Valorem Tax Collection - Prior Years	\$43,000.00	\$50,656.79	\$3,500.00	-91.86%
100	Ad Valorem Tax Collection - Penalty & Interest	\$6,000.00	\$8,936.53	\$3,000.00	30000.00%
100	Sales & Use Tax Collection	\$247,049.53	\$370,889.04	\$407,977.94	65.14%
100	Mixed Beverage Tax Collection	\$5,500.00	\$10,011.15	\$5,500.00	0.00%
100	Franchise Tax - Electric and Gas Service	\$50,000.00	\$63,462.88	\$71,000.00	42.00%
100	Franchise Tax - Telecommunications	\$18,800.00	\$31,754.27	\$43,000.00	128.72%
100	Franchise Tax - Cable TV	\$6,000.00	\$7,682.04	\$8,500.00	41.67%
Sub-Total Tax Revenues		\$896,915.73	\$1,064,822.61	\$1,121,128.99	25.90%

License & Permit Revenue					
Fund	Description	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percentage Change
100	Registration - Electrician	\$4,700.00	\$7,400.00	\$6,000.00	27.66%
100	Registration - HVAC	\$1,200.00	\$2,000.00	\$1,200.00	0.00%
100	Registration - Building Contractor	\$8,000.00	\$13,400.00	\$10,000.00	25.00%
100	Registration - Irrigation	\$0.00	\$0.00	\$1,200.00	12000.00%
100	Permit - Electrical	\$47,900.00	\$52,928.09	\$54,568.00	13.92%
100	Permit - HVAC	\$19,995.00	\$25,101.82	\$24,099.00	20.53%
100	Permit - Building Contractor	\$360,000.00	\$510,065.01	\$546,393.60	51.78%
100	Permit - Plumbing	\$26,840.00	\$37,992.00	\$38,662.00	44.05%
100	Permit - Solicitation	\$120.00	\$0.00	\$120.00	0.00%
100	Permit - Fire Suppression	\$60.00	\$0.00	\$60.00	0.00%
100	Permit - Moving & Demolition	\$135.00	\$170.00	\$135.00	0.00%
100	Permit - Sign	\$1,500.00	\$3,109.09	\$1,500.00	0.00%
100	Permit - Banner	\$1,000.00	\$1,260.00	\$1,000.00	0.00%
100	Permit - Alarm	\$0.00	\$490.91	\$28,500.00	285000.00%
100	Liquor License	\$2,200.00	\$1,320.00	\$1,800.00	-18.18%
100	Inspection Fees	\$224,394.00	\$335,200.44	\$358,977.00	59.98%
Sub-Total Lic. & Permits Revenue		\$698,044.00	\$990,437.36	\$1,074,214.60	53.89%

Grant Revenue					
Fund	Description	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percentage Change
100	Grant Revenue - Capital Projects	\$36,000.00	\$21,000.00	\$15,052.00	-58.19%
Sub-Total Grant Revenues		\$36,000.00	\$21,000.00	\$15,052.00	-58.19%

Service Revenue		FY 2011-2012	Projected	FY 2012-2013	Year v. Year
Fund	Description	AMD	Final Actual	Proposed Budget	Percentage Change
100	Refund Revenue	\$200.00	\$0.00	\$150.00	-25.00%
100	NSF - Return Check Fees	\$5.00	\$32.73	\$100.00	1900.00%
100	Engineering - Plat Review	\$6,100.00	\$2,106.79	\$12,500.00	104.92%
100	Plan Review	\$170,850.00	\$251,991.17	\$273,472.00	60.07%
100	Subdivision - Plat Fees	\$15,300.00	\$10,856.90	\$1,200.00	-92.16%
100	Subdivision - Public Improvement Dev. Fee	\$71,700.00	\$81,014.49	\$85,000.00	18.55%
100	Comm. Plat Fees	\$1,000.00	\$788.66	\$950.00	-5.00%
100	Administration Fees Economic Dev. Corps.	\$2,500.00	\$2,100.00	\$2,500.00	0.00%
100	Administration Fee for Solid Waste Collection	\$26,316.00	\$20,501.76	\$27,500.00	4.50%
Sub- Total Service Revenue		\$293,971.00	\$369,392.50	\$403,372.00	37.21%

Fines/ Forfeiture Revenue		FY 2011-2012	Projected	FY 2012-2013	Year v. Year
Fund	Description	AMD	Final Actual	Proposed Budget	Percentage Change
100	Court Fines & Forfeitures	\$10,000.00	\$17,823.00	\$14,000.00	40.00%
100	Court Fees	\$45,000.00	\$39,854.81	\$40,000.00	-11.11%
100	Court Deferred Dispositions	\$4,600.00	\$9,439.96	\$7,500.00	63.04%
100	Court Time Payment Fees	\$200.00	\$0.00	\$0.00	-100.00%
100	Court - City Justice Fee	\$10.00	\$0.00	\$10.00	0.00%
Sub- Total Fines & Forfeitures Revenue		\$59,810.00	\$67,117.78	\$61,510.00	7.84%

Interest Earned Revenue		FY 2011-2012	Projected	FY 2012-2013	Year v. Year
Fund	Description	AMD	Final Actual	Proposed Budget	Percentage Change
100	Interest - Money Market Accounts	\$1,200.00	\$3,014.65	\$1,800.00	50.00%
100	Interest - Sales Tax MMA	\$15.00	\$24.10		
100	Interest - CD's	\$5,000.00	\$1,473.58	\$1,500.00	-70.00%
100	Interest - MBIA General Investments	\$5.00	\$525.36	\$2,000.00	39900.00%
100	Interest - Property Tax	\$80.00	\$718.00	\$0.00	-100.00%
Sub- Total Interest Revenue		\$6,300.00	\$5,037.69	\$5,300.00	-15.87%

Other Revenue		FY 2011-2012	Projected	FY 2012-2013	Year v. Year
Fund	Description	AMD	Final Actual	Proposed Budget	Percentage Change
100	Candidate Filing Fees	\$100.00	\$125.00	\$100.00	0.00%
100	Legal Development Reimbursement	\$0.00	\$592.00	\$0.00	0.00%
100	Transfer In from Reserves	\$0.00	\$0.00	\$226,550.18	2278001.80%
100	Sale of Assets	\$1,500.00	\$375.00	\$675.00	-55.00%
100	Miscellaneous Income	\$1,200.00	\$3,281.06	\$1,200.00	0.00%
100	Loan Proceeds	\$0.00	\$23,134.00	\$0.00	0.00%
100	Cash Long-Short	\$100.00	\$0.00	\$0.00	-100.00%
100	Police Department Report Revenues	\$60.00	\$235.64	\$60.00	0.00%
100	Community Development - Booth Fees	\$2,500.00	\$3,502.50	\$2,500.00	0.00%
100	Development Corp Reimbursements	\$3,600.00	\$259.60	\$3,600.00	0.00%
100	Community Development - Sponsor Contributions	\$20,000.00	\$250.00	\$2,000.00	-90.00%
100	Community Development - Pageant Registrations	\$1,000.00	\$0.00	\$0.00	-100.00%
100	Community Development - BeautiFulshear	\$1,000.00	\$1,750.00	\$1,000.00	0.00%
100	Community Center Income	\$0.00	\$0.00	\$150.00	1500.00%
100	Community Center - FB Seniors	\$750.00	\$1,309.47	\$1,250.00	66.67%
100	Community Center - Rental	\$2,000.00	\$3,109.09	\$8,000.00	300.00%
100	Community Center - Security	\$50.00	\$0.00	\$50.00	0.00%
100	Community Center - Supervisor	\$200.00	\$174.55	\$200.00	0.00%
100	Community Center - Cleaning	\$200.00	\$327.27	\$200.00	
Sub- Total Other Revenue		\$34,260.00	\$38,425.18	\$247,535.18	622.52%

CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

	Expenditures - General Admin	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percentage
Fund	Personnel				
100	Personnel - Wages and Salaries Regular	\$165,079.86	\$165,659.48	\$170,032.80	0.35%
100	Personnel - Wages and Salaries Intern	\$4,200.00	\$3,775.00	\$4,200.00	0.00%
100	Personnel - Mayoral Compensation	\$4,800.00	\$6,000.00	\$9,600.00	100.00%
	Sub-Total Salaries and Wages	\$174,079.86	\$175,434.48	\$183,832.80	5.60%
100	Personnel - Social Security Expense	\$13,123.84	\$12,366.35	\$14,608.51	11.31%
100	Personnel - Retirement	\$3,355.25	\$3,297.56	\$4,217.53	25.70%
100	Personnel - Health Insurance	\$22,284.00	\$23,149.62	\$23,160.00	3.93%
100	Personnel - Worker's Compensation	\$697.00	\$434.91	\$697.00	0.00%
100	Personnel - Unemployment	\$570.00	\$0.00	\$570.00	0.00%
100	Personnel - Uniforms	\$700.00	\$700.00	\$650.00	-7.14%
	Sub-Total Personnel Benefits	\$40,730.09	\$39,948.44	\$43,903.04	7.79%
100	Personnel - Allocated Overhead	(\$56,709.35)	(\$56,709.35)	(\$87,134.61)	53.65%
	Total Personnel	\$158,100.60	\$158,673.36	\$140,601.23	-11.07%
	Non-Personnel				
100	Supplies	\$6,500.00	\$7,355.52	\$8,500.00	30.77%
100	Publications/ Reference Material	\$1,150.00	\$722.20	\$1,400.00	21.74%
100	Postage	\$0.00	\$63.96	\$0.00	0.00%
100	Furniture & Fixtures	\$910.00	\$908.70	\$1,850.00	103.30%
100	Codification	\$12,500.00	\$0.00	\$15,000.00	20.00%
100	Commemoratives	\$100.00	\$0.00	\$100.00	0.00%
100	Auto Expense	\$1,750.00	\$188.26	\$1,500.00	-14.29%
100	Equipment Light/Repair/Supply	\$5,181.00	\$5,180.88	\$0.00	
100	Public Relations	\$2,000.00	\$900.00	\$2,000.00	0.00%
100	Notices - Public	\$2,000.00	\$3,058.22	\$4,200.00	110.00%
100	County Recording Fees	\$500.00	\$0.00	\$500.00	0.00%
100	Open Records Requests Expenditure	\$200.00	\$0.00	\$200.00	0.00%
100	Meeting Expense	\$4,500.00	\$2,496.91	\$7,000.00	55.56%
100	Professional Services - Accounting	\$15,500.00	\$12,862.85	\$15,500.00	0.00%
100	Professional Services - Legal	\$110,000.00	\$131,682.80	\$110,000.00	0.00%
100	Professional Services - Legal LCISD	\$1,500.00	\$2,205.86	\$0.00	-100.00%
100	Professional Services - Legal Development	\$10,000.00	\$15,891.64	\$10,500.00	5.00%
100	Professional Services - Economic Development	\$0.00	\$0.00	\$0.00	0.00%
100	Professional Services - Information Technology	\$3,700.00	\$3,484.58	\$1,500.00	-59.46%
100	Professional Services - Comprehensive Planning	\$67,000.00	\$18,790.70	\$50,000.00	-25.37%
100	Telecommunications	\$2,000.00	\$1,831.51	\$1,500.00	-25.00%
100	Equipment Rental	\$4,800.00	\$2,984.48	\$4,800.00	0.00%
100	Advertising	\$300.00	\$1,205.00	\$300.00	0.00%
100	Printing	\$650.00	\$392.85	\$650.00	0.00%
100	Dues & Memberships	\$2,450.00	\$1,605.50	\$3,950.00	61.22%
100	Travel & Training	\$11,775.00	\$8,708.75	\$14,000.00	18.90%
100	Bank Charges - Finance	\$250.00	\$95.00	\$250.00	0.00%
100	Credit Card Fees - Finance	\$50.00	\$0.00	\$50.00	0.00%
100	Credit Card Finance Charge	\$50.00	\$0.00	\$50.00	0.00%
100	Tax Penalties	\$500.00	\$0.00	\$500.00	0.00%
100	Elections	\$3,500.00	\$2,936.30	\$3,500.00	0.00%
100	Application Software - InCode Maintenance Co	\$6,500.00	\$2,454.55	\$6,500.00	0.00%
100	Miscellaneous	\$1,500.00	\$0.00	\$1,500.00	0.00%
	Sub-Total Non-Personnel	\$279,316.00	\$228,007.01	\$267,300.00	-4.30%
100	Capital Outlay - Vehicle	\$0.00	\$0.00	\$16,500.00	165000.00%
100	Capital Outlay - Furniture	\$0.00	\$0.00	\$0.00	0.00%
100	Capital Outlay - Technology	\$0.00	\$0.00	\$0.00	0.00%
	Sub-Total Capital	\$0.00	\$0.00	\$16,500.00	0.00%
	Total General Administration	\$437,416.60	\$386,680.57	\$424,401.23	-2.98%

Fund	Expenditures - City Council	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Projected Final v Proposed %
100	Personnel - Worker's Compensation	\$100.00	\$44.95	\$100.00	122.49%
100	Personnel - Uniforms	\$500.00	\$500.00	\$500.00	0.00%
	Sub-Total Personnel Benefits	\$600.00	\$544.95	\$600.00	10.10%
	Non-Personnel				
100	Supplies	\$0.00	\$0.00	\$1,000.00	10000.00%
100	Auto Expenses	\$250.00	\$0.00	\$0.00	2500.00%
100	Equipment - Light/Repair/Supply	\$5,181.00	\$5,180.88	\$0.00	2500.00%
100	Telecommunications	\$500.00	\$628.65	\$0.00	-100.00%
100	Meeting Expenses	\$500.00	\$196.91	\$3,000.00	1423.55%
100	Travel & Training	\$2,275.00	\$163.64	\$3,000.00	1733.33%
	Sub-Total Non-Personnel	\$8,706.00	\$6,170.07	\$7,000.00	\$180.57
100	Capital Outlay - Technology	\$0.00	0.00	0.00	0.00%
	Total City Council	\$9,306.00	\$6,715.02	\$7,600.00	\$180.67

	Expenditures - Builder Services	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
Fund	Personnel				
100	Personnel - Salaries	\$56,100.00	\$56,492.25	\$57,783.00	3.00%
100	Personnel - Wages	\$57,293.60	\$50,108.90	\$97,764.00	70.64%
100	Personnel - Overtime	\$1,000.00	\$16.36	\$1,000.00	0.00%
	Sub-Total Salaries and Wages	\$114,393.60	\$106,617.51	\$156,547.00	36.85%
100	Personnel - Payroll Tax Expense	\$9,032.79	\$7,711.78	\$9,464.24	4.78%
100	Personnel - Health Insurance	\$18,784.00	\$18,058.02	\$29,000.00	54.39%
100	Personnel - Retirement	\$2,386.02	\$2,012.99	\$3,161.49	32.50%
100	Personnel - Worker's Compensation	\$380.00	\$443.43	\$500.00	31.58%
100	Personnel - Unemployment	\$570.00	\$0.00	\$760.00	33.33%
100	Personnel - Uniforms	\$150.00	\$163.64	\$200.00	33.33%
	Sub-Total Personnel Benefits	\$31,302.81	\$28,389.86	\$43,085.73	37.64%
100	Personnel - Allocated Overhead	(\$27,675.02)	(\$27,735.00)	(\$59,889.82)	116.40%
	Total Personnel	\$118,021.39	\$107,272.37	\$139,742.91	18.40%
	Non-Personnel				
100	Supplies	\$1,200.00	\$857.21	\$1,200.00	0.00%
100	Publications/ Reference Material	\$300.00	\$24.74	\$300.00	0.00%
100	Postage	\$0.00	\$0.00	\$0.00	0.00%
100	Furniture & Fixtures	\$500.00	\$407.37	\$500.00	0.00%
100	Auto Expense - Fuel	\$3,000.00	\$2,025.84	\$6,500.00	116.67%
100	Auto Expense - Maintenance	\$2,000.00	\$897.46	\$2,000.00	0.00%
100	Equipment - Light/Repair/Supply	\$2,787.00	\$3,040.06	\$3,800.00	36.35%
100	Professional Services - Engineering	\$20,000.00	\$37,119.58	\$55,000.00	175.00%
100	Telecommunications	\$0.00	\$0.00	\$3,000.00	30000.00%
100	Plan Reviews	\$0.00	\$0.00	\$0.00	0.00%
	Inspection Services	\$0.00	\$0.00	\$0.00	0.00%
100	Contractual Inspection Services	\$2,500.00	\$381.82	\$5,000.00	100.00%
100	Professional Services - Substandard Main	\$3,000.00	\$0.00	\$11,000.00	266.67%
100	Professional Services - Info Tech	\$1,250.00	\$764.71	\$1,250.00	0.00%
100	Printing	\$1,500.00	\$1,356.58	\$1,500.00	0.00%
100	Dues & Memberships	\$1,000.00	\$666.55	\$1,000.00	0.00%
100	Travel & Training	\$7,200.00	\$7,860.36	\$2,500.00	-65.28%
100	Application Software - Maintenance Con	\$4,500.00	\$2,380.94	\$5,000.00	11.11%
100	Miscellaneous	\$0.00	\$0.00	\$500.00	5000.00%
100		\$0.00	\$0.00	\$0.00	0.00%
	Sub-Total Non-Personnel	\$50,737.00	\$57,783.21	\$100,050.00	97.19%
100	Capital Outlay - Equipment	\$0.00	\$0.00	\$16,500.00	1650000.00%
100	Capital Outlay - Technology	\$0.00	\$0.00	\$0.00	0.00%
	Sub-Total Capital	\$0.00	\$0.00	\$16,500.00	200000.00%
	Total Builder Services	\$168,758.39	\$165,055.58	\$256,292.91	51.87%

Fund	Expenditures - Events/Cultural/ Personnel	FY 2011-2012	Projected	FY 2012-2013	Year v Year
		AMD	Final Actual	Proposed Budget	Percentage Change
100	Freedom Fest Supplies	\$500.00	\$353.00	\$500.00	0.00%
100	Christmas Fulshear Supplies	\$610.00	\$809.93	\$500.00	-18.03%
100	Beauti-Fulshear Supplies	\$500.00	\$0.00	\$500.00	0.00%
100	Spirit Awards Supplies	\$300.00	\$0.00	\$300.00	0.00%
100	St. Patty's Day Supplies	\$500.00	\$298.73	\$500.00	0.00%
100	Freedom Fest Advertising	\$1,000.00	\$0.00	\$1,000.00	0.00%
100	Christmas Advertising	\$646.00	\$646.00	\$1,000.00	54.80%
100	Beauti-Fulshear Advertising	\$1,000.00	\$1,000.00	\$1,000.00	0.00%
100	St. Patty's Day Advertising	\$324.00	\$324.00	\$750.00	131.48%
100	Movie Night Advertising	\$500.00	\$45.00	\$1,500.00	200.00%
100	Prof. Services - Freedom Fest	\$8,000.00	\$5,000.00	\$8,000.00	0.00%
100	Prof. Services - Christmas Fulshear	\$3,792.00	\$3,791.17	\$3,000.00	-20.89%
100	Prof. Services - Beauti-Fulshear	\$4,000.00	\$436.80	\$4,000.00	0.00%
100	Prof. Services - St. Patty's Day	\$2,200.00	\$2,200.00	\$1,500.00	-31.82%
100	Prof. Services - Movie Night	\$1,000.00	\$0.00	\$0.00	-100.00%
100	Equip. Rental - Freedom Fest	\$4,000.00	\$3,400.00	\$4,000.00	0.00%
100	Equip. Rental - Christmas Fulshear	\$3,243.00	\$3,242.50	\$3,500.00	7.92%
100	Equip Rental - Beauti-Fulshear	\$500.00	\$0.00	\$500.00	0.00%
100	Equip Rental - Movie Night	\$2,500.00	\$0.00	\$1,500.00	-40.00%
100	Freedom Fest - Printing	\$700.00	\$832.00	\$700.00	0.00%
100	Christmas Fulshear - Printing	\$0.00	\$0.00	\$250.00	2500.00%
100	Beauti-Fulshear Printing	\$250.00	\$152.73	\$250.00	0.00%
100	St. Patty's Day Printing	\$0.00	\$0.00	\$250.00	2500.00%
100	Spirit Awards Commemoratives	\$1,500.00	\$1,180.99	\$1,500.00	0.00%
100	Parks Maintenance	\$1,000.00	\$181.20	\$0.00	
100	Miscellaneous	\$435.00	\$0.00	\$500.00	14.94%
Total Special Events		\$39,000.00	\$23,894.05	\$37,000.00	-5.13%

	Expenditures - Community Development	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
Fund	Personnel				
100	Personnel - Salaries	\$43,280.64	43,583.30	44,579.00	3.00%
	Sub-Total Salaries and Wages	\$43,280.64	\$43,583.30	\$44,579.00	3.00%
100	Personnel - Payroll Expense	\$3,440.81	2,972.06	3,544.03	3.00%
100	Personnel - Health Insurance	\$7,428.00	7,716.54	7,720.00	3.93%
100	Personnel - Retirement	\$879.68	853.30	906.07	3.00%
100	Personnel - Worker's Compensation	\$185.00	99.40	185.00	0.00%
100	Personnel - Unemployment	\$190.00	0.00	190.00	0.00%
100	Personnel - Uniforms	\$50.00	50.00	50.00	0.00%
	Sub-Total Personnel Benefits	\$12,173.49	\$11,691.30	\$12,595.10	3.46%
	Total Personnel	\$55,454.13	\$55,274.61	\$57,174.10	3.10%
	Non-Personnel				
100	Supplies	\$750.00	367.26	1,700.00	126.67%
100	Event Supplies	\$0.00	0.00	0.00	0.00%
100	Publication/Ref Material	\$2,000.00	2,000.00	2,000.00	0.00%
100	Postage	\$0.00	0.00	0.00	0.00%
100	Furniture/Fixtures	\$910.00	908.70	500.00	-45.05%
100	Commemoratives	\$0.00	0.00	0.00	0.00%
100	Maintenance - City Cleanup	\$0.00	0.00	0.00	0.00%
100	Public Relations	\$2,000.00	1,959.58	2,500.00	25.00%
100	Meeting Expenses	\$1,000.00	1,000.00	1,000.00	0.00%
100	Community Dev. Expenses		0.00		0.00%
100	Telecommunications	\$1,000.00	1,193.20	1,500.00	50.00%
100	Professional Services - Information Techno	\$1,800.00	1,652.08	500.00	-72.22%
100	Professional Services - Events	\$0.00	0.00	0.00	0.00%
100	Equipment Rentals - Events	\$0.00	0.00	0.00	0.00%
100	Bank Charges	\$20.00	0.00	0.00	-100.00%
100	Advertising	\$0.00	0.00	0.00	0.00%
100	Printing	\$300.00	95.27	300.00	0.00%
100	Dues & Memberships	\$450.00	290.00	650.00	44.44%
100	Travel & Training	\$2,500.00	2,050.84	3,500.00	40.00%
100	Miscellaneous	\$500.00	0.00	500.00	0.00%
	Sub-Total Non-Personnel	\$13,730.00	\$12,016.94	\$14,650.00	6.70%
	Total Community Development	\$69,184.13	\$67,291.54	\$71,824.10	3.82%

Expenditures -Emergency Management	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
Non-Personnel				
Supplies	\$0.00	0.00	750.00	7500.00%
Supplies - EOC Occupation Supplies	\$0.00	0.00	3,500.00	35000.00%
Publication/Ref Material	\$0.00	0.00	500.00	5000.00%
Furniture/Fixtures	\$0.00	0.00	0.00	0.00%
Commemoratives	\$0.00	0.00	1,200.00	12000.00%
Auto Expense	\$0.00	0.00	1,200.00	12000.00%
Emergency Operations Fuel Supply	\$0.00	0.00	8,600.00	86000.00%
Public Relations	\$0.00	0.00	0.00	0.00%
Meeting Expenses	\$0.00	0.00	1,200.00	12000.00%
Telecommunications	\$0.00	0.00	980.00	9800.00%
Equipment	\$0.00	0.00	2,500.00	25000.00%
Radio Equipment	\$0.00	0.00	5,000.00	50000.00%
Radio Subscription	\$0.00	0.00	450.00	4500.00%
Professional Services - Information Techno	\$0.00	0.00	500.00	15000.00%
Professional Services - Other	\$0.00	0.00	500.00	5000.00%
Equipment Rentals	\$0.00	0.00	1,500.00	1500.00%
Advertising	\$0.00	0.00	150.00	1500.00%
Printing	\$0.00	0.00	300.00	3000.00%
Dues & Memberships	\$0.00	0.00	450.00	4500.00%
Travel & Training	\$0.00	0.00	2,500.00	25000.00%
Miscellaneous	\$0.00	0.00	500.00	5000.00%
Sub-Total Non-Personnel	\$0.00	\$0.00	\$32,280.00	
Total Emergency Management	\$0.00	\$0.00	\$32,280.00	

Fund	Expenditures - General Facilities	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
	Non-Personnel				
100	Community Center Events - Supervisor	\$500.00	\$318.00	\$500.00	0.00%
100	Facilities Cleaning	\$7,700.00	\$6,855.60	\$11,300.00	46.75%
100	Facilities Supplies	\$250.00	\$182.99	\$1,000.00	300.00%
100	Furniture & Fixtures	\$400.00	\$478.96	\$0.00	-100.00%
100	Equip - Light/Repair/Supplies	\$4,750.00	\$4,000.00	\$5,600.00	17.89%
100	Electricity	\$16,700.00	\$6,869.77	\$18,000.00	7.78%
100	Insurance - Real/Personal Property	\$1,056.00	\$0.00	\$1,056.00	0.00%
100	Community Center Phone	\$750.00	\$551.86	\$750.00	0.00%
100	Building Security	\$1,500.00	\$0.00	\$1,500.00	0.00%
100	Facilities Maintenance	\$4,300.00	\$1,437.82	\$11,200.00	160.47%
100	Equipment Rental	\$300.00	\$0.00	\$300.00	0.00%
100	Facility Rental	\$0.00	\$0.00	\$18,000.00	180000.00%
100	Emergency Operations Center - Supplies	\$3,500.00	\$0.00	\$0.00	-100.00%
	Sub-Total Non-Personnel	\$41,706.00	\$20,694.99	\$69,206.00	65.94%
100	Capital Outlay - Structural Improvement City Ha	\$0.00	\$0.00	\$15,500.00	155000.00%
100	Capital Outlay - HMGP Generator	\$34,598.00	\$34,598.00	\$0.00	-100.00%
100	Capital Outlay -	\$15,052.00	\$15,052.00	\$0.00	-100.00%
		\$49,650.00	\$49,650.00	\$15,500.00	155000.00%
	Total General Facilities	\$91,356.00	\$70,344.99	\$84,706.00	7.28%

	Expenditures - General Admin - Municipal Court	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
Fund	Personnel				
100	Personnel - Wages and Salaries Regular	\$31,824.00	\$33,859.52	\$36,000.00	13.12%
100	Personnel - Overtime	\$1,000.00	\$0.00	\$1,000.00	0.00%
	Sub-Total Salaries and Wages	\$32,824.00	\$33,859.52	\$36,000.00	9.68%
100	Personnel - Payroll Expense	\$2,530.01	\$2,421.86	\$2,862.00	13.12%
100	Personnel - Health Insurance	\$7,428.00	\$7,716.54	\$7,720.00	3.93%
100	Personnel - Retirement	\$646.82	\$658.36	\$731.70	13.12%
100	Personnel - Worker's Compensation	\$185.00	\$145.27	\$185.00	0.00%
100	Personnel - Unemployment	\$190.00	\$0.00	\$190.00	0.00%
100	Personnel - Uniform	\$50.00	\$50.00	\$50.00	0.00%
	Sub-Total Personnel Benefits	\$11,029.83	\$10,942.03	\$11,738.70	6.43%
	Total Personnel	\$43,853.83	\$44,801.55	\$47,738.70	8.86%
	Non-Personnel				
100	Supplies	\$750.00	\$580.48	\$1,250.00	66.67%
100	Publications/ Reference Material	\$200.00	\$0.00	\$200.00	0.00%
100	Postage	\$0.00	\$0.00	\$0.00	0.00%
100	Furniture & Fixtures	\$500.00	\$0.00	\$500.00	0.00%
100	Equip Light Repair/Supplies	\$500.00	\$99.99	\$500.00	0.00%
100	Professional Services - Judges Compensation	\$7,500.00	\$6,250.00	\$7,500.00	0.00%
100	Professional Services - Court Administrator	\$6,000.00	\$6,000.00	\$6,000.00	0.00%
100	Professional Services - Prosecutor	\$4,000.00	\$3,433.36	\$4,000.00	0.00%
100	Professional Services - Interpreter	\$500.00	\$0.00	\$500.00	0.00%
100	Juror Fees	\$750.00	\$0.00	\$750.00	0.00%
100	Professional Services - Information Technology	\$450.00	\$166.25	\$1,250.00	177.78%
100	Printing	\$200.00	\$0.00	\$200.00	0.00%
100	Dues & Memberships	\$50.00	\$265.00	\$50.00	0.00%
100	Travel & Training	\$1,800.00	\$1,160.40	\$1,800.00	0.00%
100	Application Software Maintenance	\$4,500.00	\$2,377.54	\$4,500.00	0.00%
100	Miscellaneous	\$500.00	\$0.00	\$500.00	0.00%
	Sub-Total Non-Personnel	\$28,200.00	\$20,333.03	\$29,500.00	4.61%
100	Capital Outlay - Equipment	\$0.00	\$0.00	\$0.00	0.00%
100	Capital Outlay - Technology	\$0.00	\$0.00	\$0.00	0.00%
	Sub-Total Capital	\$0.00	\$0.00	\$0.00	0.00%
	Total Municipal Court	\$72,053.83	\$65,134.57	\$77,238.70	7.70%

Non Departmental	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
Non - Personnel				
Supplies	\$2,000.00	\$610.91	\$2,000.00	0.00%
Postage	\$2,000.00	\$2,073.13	\$3,500.00	75.00%
Contingency	\$20,100.00	\$38.18	\$20,000.00	-0.50%
COF Business Enterprise Funding	\$65,718.56	\$0.00	\$65,000.00	-1.09%
CCR Business Enterprise Funding	\$0.00	\$0.00	\$0.00	0.00%
Capital Projects Funding	\$275,000.00	\$275,000.00	\$ 525,370.32	91.04%
FCC Ad Valorem Rebate	\$17,628.93	\$17,122.72	\$28,311.82	60.60%
CCR Ad Valorem Rebate	\$146,677.82	\$156,550.69	\$202,161.31	37.83%
Prof. Services - Consulting	\$30,000.00	\$3,696.07	\$45,000.00	50.00%
Prof. Services - Charter Development	\$0.00	\$0.00	\$10,000.00	10000.00%
Insurance - Real & Personal Property	\$3,000.00	\$3,772.03	\$3,500.00	16.67%
Insurance - General Liability	\$3,000.00	\$3,150.55	\$3,000.00	0.00%
Insurance - Auto Liability	\$2,000.00	\$1,286.80	\$2,000.00	0.00%
Insurance - W/C Contribution	\$996.00	\$770.73	\$1,000.00	0.40%
Insurance - Errors & Omissions	\$3,000.00	\$2,568.00	\$3,000.00	0.00%
Insurance - Bonds	\$500.00	\$689.45	\$700.00	40.00%
Tax Collector Assessor Fees	\$4,000.00	\$2,764.64	\$4,000.00	0.00%
Telecommunications Web	\$6,400.00	\$7,567.84	\$9,600.00	50.00%
Telecommunications	\$2,500.00	\$3,644.68	\$5,200.00	108.00%
Contract Services / Labor	\$2,000.00	\$0.00	\$2,000.00	0.00%
Prof. Services - Info Tech	\$12,500.00	\$14,766.86	\$19,800.00	58.40%
Railroad Pipeline Rental	\$450.00	\$475.45	\$450.00	0.00%
Rental - City Storage	\$3,600.00	\$3,927.27	\$6,340.00	76.11%
Merit Incentives for Staff	\$0.00	\$0.00	\$23,148.98	231872.60%
Depreciation Expenses	\$0.00	\$0.00	\$0.00	0.00%
Sub-Total Non-Personnel	\$603,071.31	\$500,476.01	\$985,082.43	63.34%
Capital Outlay - Equipment	\$17,000.00	\$12,000.00	\$8,500.00	-100.00%
Capital Outlay - Other Improvements	\$0.00	\$0.00	\$0.00	0.00%
Capital Outlay - Holiday Decorations	\$0.00	\$0.00	\$0.00	0.00%
	\$17,000.00	\$12,000.00	\$8,500.00	-100.00%
Total Non Departmental	\$620,071.31	\$512,476.01	\$993,582.43	60.24%

	Expenditures - Police Department	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
Fund	Personnel				
100	Personnel - Salaries	\$60,000.00	\$65,620.06	\$63,036.00	5.06%
100	Personnel - Wages	\$194,945.12	\$179,227.87	\$255,042.87	30.83%
100	Personnel - Overtime	\$5,000.00	\$1,242.55	\$5,000.00	0.00%
	Sub-Total Salaries and Wages	\$259,945.12	\$246,090.47	\$323,078.87	24.29%
100	Personnel - Payroll Expense	\$20,268.14	\$17,796.35	\$25,287.27	24.76%
100	Personnel - Health Insurance	\$37,140.00	\$35,435.76	\$54,040.00	45.50%
100	Personnel - Retirement	\$5,181.76	\$4,463.47	\$6,464.95	24.76%
100	Personnel - Worker's Compensation	\$4,545.20	\$5,794.37	\$7,500.00	65.01%
100	Personnel - Unemployment	\$1,140.00	\$977.80	\$1,330.00	16.67%
100	Personnel - Uniforms	\$8,188.00	\$7,744.40	\$8,500.00	3.81%
	Sub-Total Personnel Benefits	\$76,463.10	\$72,212.15	\$103,122.22	34.87%
	Total Personnel	\$336,408.22	\$318,302.62	\$426,201.09	26.69%
	Non-Personnel				
100	Supplies - Office	\$2,000.00	\$1,788.53	\$2,000.00	0.00%
100	Supplies - Police Duty	\$4,500.00	\$4,708.25	\$4,500.00	0.00%
100	Publications/ Reference Material	\$200.00	\$0.00	\$200.00	0.00%
100	Postage	\$0.00	\$0.00	\$0.00	0.00%
100	Furniture & Fixtures	\$700.00	\$0.00	\$700.00	0.00%
100	Auto - Fuel	\$23,760.00	\$22,467.32	\$34,452.00	45.00%
100	Auto - Maintenance	\$7,500.00	\$8,165.07	\$7,500.00	0.00%
100	Equipment - Light/Repair/Supply	\$5,075.00	\$4,035.27	\$5,000.00	-1.48%
100	Public Relations	\$250.00	\$109.77	\$250.00	0.00%
100	Contingency	\$7,275.00	\$450.00	\$8,500.00	16.84%
100	Child Safety Expense	\$0.00	\$0.00	\$0.00	0.00%
100	Law Enforcement Liability	\$3,500.00	\$3,500.00	\$3,500.00	0.00%
100	Auto Liability	\$2,301.00	\$2,489.67	\$3,700.00	60.80%
100	Errors & Omissions	\$600.00	\$550.00	\$600.00	0.00%
100	Telecommunication Web	\$0.00	\$0.00	\$850.00	8500.00%
100	Telecommunications	\$5,200.00	\$5,834.29	\$5,500.00	5.77%
100	Professional Services - Info Tech	\$2,500.00	\$1,597.99	\$2,500.00	0.00%
100	Professional Services - Police Office	\$0.00	\$0.00	\$0.00	0.00%
100	Drug/ Psych Testing	\$550.00	\$545.00	\$750.00	36.36%
100	Equipment Rental	\$1,800.00	\$0.00	\$1,800.00	0.00%
100	Rental - Evidence Storage	\$1,490.00	\$1,490.00	\$2,200.00	47.65%
100	Printing	\$1,400.00	\$1,122.80	\$1,400.00	0.00%
100	Dues & Memberships	\$1,700.00	\$518.18	\$1,700.00	0.00%
100	Travel & Training	\$5,000.00	\$4,700.00	\$5,500.00	10.00%
	Sub-Total Non-Personnel	\$77,301.00	\$64,072.15	\$93,102.00	20.44%
100	Capital Outlay - Equipment	\$43,141.00	\$43,134.14	\$98,500.00	128.32%
100	Capital Outlay - Technology	\$0.00	\$0.00	\$63,688.00	636880.00%
	Sub-Total Capital	\$43,141.00	\$43,134.14	\$162,188.00	275.95%
	Total Police Department	\$456,850.22	\$425,508.91	\$681,491.09	49.17%

Fund	General Ledger Account	Expenditures - Public Works Mainten.	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage Change
		Personnel				
100	5510-5210-00	Personnel - Salaries Regular	\$37,536.00	37,601.28	38,662.00	3.00%
100	5510-5211-00	Personnel - Wages	\$51,714.00	50,368.71	59,531.94	15.12%
		Sub-Total Salaries and Wages	\$89,250.00	\$87,969.99	\$98,193.94	10.02%
100	5510-5230-00	Personnel - Payroll Expense	\$7,095.38	6,277.18	7,806.42	10.02%
100	5510-5235-00	Personnel - Health Insurance	\$7,428.00	7,716.54	15,440.00	107.86%
100	5510-5238-00	Personnel - Retirement	\$1,589.77	1,586.81	1,769.36	11.30%
100	5510-5421-03	Personnel - Worker's Compensation	\$2,801.80	3,149.85	3,200.00	14.21%
100		Personnel - Unemployment	\$760.00	0.00	760.00	0.00%
100		Personnel - Uniforms	\$2,000.00	1,720.66	2,000.00	0.00%
		Sub-Total Personnel Benefits	\$21,674.95	\$20,451.04	\$30,975.78	42.91%
		Personnel - Allocated Overhead	(\$13,490.71)	\$0.00	\$ (38,750.92)	187.24%
		Total Personnel	\$97,434.24	\$108,421.03	\$90,418.80	-7.20%
		Non-Personnel				
100	5510-5311-00	Supplies	\$2,500.00	3,922.33	2,500.00	0.00%
100	5510-5314-00	Publications/ Reference Material	\$1,000.00	0.00	1,000.00	0.00%
100	5510-5316-00	Furniture & Fixtures	\$0.00	0.00	0.00	0.00%
100	5510-5363-00	Auto/Tractor - Fuel	\$16,500.00	12,925.20	16,500.00	0.00%
100	5510-5363-01	Auto/Tractor - Maintenance	\$6,000.00	3,335.02	6,000.00	0.00%
100	5510-5369-00	Equipment - Light Repair/Supplies	\$5,000.00	4,184.49	5,000.00	0.00%
100	5510-5469-00	Equipment Rental	\$10,000.00	409.09	10,000.00	0.00%
100	5510-5527-00	Dues & Memberships	\$500.00	185.45	500.00	0.00%
100	5510-5528-00	Travel & Training	\$6,000.00	353.73	3,500.00	-41.67%
100		Miscellaneous	\$0.00	0.00	0.00	0.00%
		Sub-Total Non-Personnel	\$47,500.00	\$25,315.31	\$45,000.00	-5.26%
100	5510-5710-05	Capital Outlay - Equipment	\$10,000.00	0.00	0.00	0.00%
		Sub-Total Capital	\$10,000.00	\$0.00	\$0.00	-100.00%
		Total Public Works	\$154,934.24	\$133,736.34	\$135,418.80	-12.60%

Expenditures - City Streets Non-Personnel	FY 2011-2012 AMD	Projected Final Actual	Proposed Budget 2012-2013	Year v Year Percentage Change
Supplies - Street Repair	\$15,000.00	\$7,304.54	\$15,000.00	0.00%
Supplies - Signage	\$1,200.00	\$1,010.90	\$1,500.00	25.00%
Street Maintenance	\$12,500.00	\$16,150.91	\$0.00	-100.00%
Electricity - Street Lights	\$70,000.00	\$71,091.70	\$85,000.00	21.43%
Electricity - Swag Poles	\$0.00	\$0.00	\$0.00	0.00%
	\$98,700.00	\$95,558.05	\$101,500.00	2.84%
Capital Outlay - Streets	\$0.00	\$0.00	\$ -	0.00%
Total - City Streets	\$98,700.00	\$95,558.05	\$101,500.00	2.84%

Debt Service

CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

Expenditures - Debt Service Assessments	FY 2011-2012 AMD	Projected Final Actual	Proposed Budget	Year v Year Percentage Change
Equipment Lease/Purchase- Copiers	\$4,100.00	\$4,100.00	\$4,100.00	0.00%
Equipment Lease/Purchase - Tractor	\$36,000.00	\$35,788.14	\$11,877.50	-67.01%
Equipment Lease/Police Dept	\$12,000.00	\$8,687.04	\$8,800.00	-26.67%
Equipment Lease - Interest	\$3,200.00	\$0.00	\$0.00	0.00%
Total -Debt Service	\$55,300.00	\$48,575.18	\$24,777.50	-55.19%



CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

COF Business Enterprise Fund Budget

This Budget includes the Enterprise Funds (Water, Sewer, etc.) for the City excluding the area of Cross Creek Ranch provided primarily through Water and Sewer Sales revenues and fees. The Column in the budget entitled 2011-2012 AMD reflects the FY 2011-2012 Budget as amended.

City of Fulshear
Enterprise Fund Model for FY 2012-2013

FULSHEAR ENTERPRISE	FY 2011-2012 Approved Budget	Projected Final Actuals	FY 2012-2013 Proposed Budget	Year v Year Percentage
Revenues	\$268,340.52	\$289,737.04	\$291,117.33	8.49%
Expenditures	\$265,450.56	\$237,461.54	\$609,023.94	129.43%
Rev. Over/ Under Ex	\$2,889.96	\$52,275.50	(\$317,906.60)	

REVENUES

City of Fulshear
Enterprise Fund Model for FY 2012-2013

Description	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v Year Percentage
Refund Revenue	\$450.00	\$0.00	\$450.00	0.00%
Sales - Water	\$76,476.31	\$106,449.99	\$98,819.00	29.22%
Sales - Sewer	\$64,216.90	\$62,740.71	\$62,058.33	-3.36%
Sales - Transfers	\$1,000.00	\$1,105.09	\$1,000.00	0.00%
Sales - Taps	\$12,000.00	\$66,950.06	\$54,000.00	350.00%
Sales - Builder Backcharges	\$0.00	\$0.00	\$1,000.00	10000.00%
Sales - Garbage Collection	\$0.00	\$448.39	\$0.00	0.00%
Sales - Penalties	\$6,000.00	\$4,767.40	\$6,000.00	0.00%
Sales - NFBWA Charges	\$39,828.75	\$45,887.96	65,340.00	64.05%
Interest - CD's	\$0.00	\$0.00	\$0.00	0.00%
Interest - MMA	\$1,500.00	\$837.95	\$1,000.00	-33.33%
Interest - MBIA Pub Works	\$150.00	\$549.49	\$450.00	200.00%
Miscellaneous Revenue	\$1,000.00	\$0.00	\$1,000.00	0.00%
Transfers In from General Fund	\$65,718.56	\$0.00	\$0.00	-100.00%
Totals	\$268,340.52	\$289,737.04	\$291,117.33	8.49%

EXPENSES Description	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percentage
Chemicals	\$7,200.00	7,953.99	0.00	-100.00%
Miscellaneous Supplies	\$450.00	287.80	450.00	0.00%
Administrative Fee	\$14,665.56	14,665.56	36,929.66	151.81%
Transfer Out - Fulshear Restricted	\$0.00	0.00	300,000.00	300000.00%
Professional Services - Legal	\$7,500.00	1,425.82	7,500.00	0.00%
Professional Services - Comp Plan	\$2,000.00	0.00	2,000.00	0.00%
Professional Services - Engineering	\$6,000.00	0.00	6,000.00	0.00%
Professional Service - Maintenance	\$0.00	0.00	0.00	0.00%
TML Property Insurance	\$1,585.00	1,901.18	1,585.00	0.00%
Electricity - Water Plant	\$12,000.00	10,020.95	12,000.00	0.00%
Electricity - Lift Station	\$2,000.00	2,604.15	3,500.00	75.00%
Electricity - Sewer Plant	\$12,000.00	8,345.60	12,000.00	0.00%
Telecommunications - Alarm Phone	\$1,200.00	980.86	1,600.00	33.33%
Contract - Sludge Hauling	\$6,000.00	2,780.44	6,000.00	0.00%
NFBWA Water Pumpage Fee	\$48,000.00	58,991.56	63,000.00	31.25%
Lab Testing	\$6,000.00	5,236.36	0.00	-100.00%
Bank Charges	\$250.00	25.09	250.00	0.00%
Contract - Water/Sewer Base (SWWC)	\$30,000.00	30,762.32	0.00	-100.00%
Contract - Water/ Sewer Base (ST)	\$0.00	0.00	79,610.28	796102.80%
Contract - Water/ Sewer Admin. (SWWC)	\$6,500.00	5,317.16	0.00	-100.00%
Contract - Water/ Sewer Admin. (ST)	\$0.00	0.00	8,100.00	81000.00%
Contract - Water/ Sewer Reg. Fees (SWWC)	\$1,000.00	0.00	0.00	-100.00%
Contract - Water/ Sewer Reg. Fees (ST)	\$0.00	0.00	0.00	0.00%
Contract - Water/ Sewer Maint. (SWWC)	\$85,000.00	64,128.37	0.00	-100.00%
Contract - Water System Maint. (ST)		0.00	10,667.00	106670.00%
Contract - Sewer System Maint. (ST)		0.00	10,666.00	106660.00%
Contract - Lift Station Maint. (ST)	\$0.00	0.00	10,666.00	106660.00%
Contract - Water/ Sewer Tapping (SWWC)	\$13,500.00	19,823.98	13,500.00	0.00%
Contract - Water/ Sewer Tapping (ST)	\$0.00	0.00	20,400.00	204000.00%
TCEQ Permits	\$2,500.00	2,210.35	2,500.00	0.00%
TCEQ Fines	\$100.00	0.00	100.00	0.00%
Depreciation Expense	\$0.00	0.00	0.00	0.00%
Totals	\$265,450.56	237,461.54	609,023.94	129.43%



CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

CCR Business Enterprise Fund Budget

This Budget includes the Enterprise Funds (Water, Sewer, etc.) for Cross Creek Ranch region of the City provided primarily through Water and Sewer Sales revenues and fees. The Column in the budget entitled 2011-2012 AMD reflects the FY 2011-2012 Budget as amended.

**Cross Creek Ranch Enterprise Fund Revenue/Expense
Summary**

	FY 2011-2012 Approved Budget	Projected Final Actuals	FY 2012-2013 Proposed Budget	Year v Year Percentage
Revenues	\$668,602.23	\$1,044,111.50	\$1,387,126.26	107.47%
Expenditures	\$606,412.24	\$866,365.19	\$1,185,419.52	95.48%
Rev. Over/ Under Exp	\$62,189.99	\$177,746.31	\$201,706.75	224.34%

CITY OF FULSHEAR
 CROSS CREEK RANCH ENTERPRISE
 2012-2013 PROPOSED BUDGET

Description	FY 2011-2012 AMD	Projected Final Actual	FY 2011-2012 Proposed Budget	Year v. Year Percentage
Refund Revenue	1,200.00	0.00	1,200.00	0.00%
Sales - Water	231,916.51	351,481.21	338,768.55	46.07%
Sales - Sewer	157,329.47	197,891.83	210,036.50	33.50%
Sales - Transfers	4,500.00	9,122.11	4,500.00	0.00%
Sales - Taps	160,025.00	299,348.18	432,000.00	169.96%
Sales - Meter Box Repairs	1,000.00	395.45	1,000.00	0.00%
Sales - Solid Waste Collectio	0.00	243.59	0.00	0.00%
Sales - Penalties	5,000.00	4,136.14	5,000.00	0.00%
Sales - NFBWA Charges	107,231.25	180,509.24	394,221.21	267.64%
Interest - CD's	0.00	0.00	0.00	0.00%
Interest - MMA	400.00	983.76	400.00	0.00%
Miscellaneous Revenue	0.00	0.00	0.00	0.00%
Transfers In from General Fu	0.00	0.00	0.00	0.00%
Totals	5658,602.23	51,044,111.50	51,387,126.26	107.47%

CITY OF FULSHEAR
CROSS CREEK RANCH ENTERPRISE
2012-2013 PROPOSED BUDGET

Description	FY 2011-2012 AMD	Projected Final Actual	FY 2012-2013 Proposed Budget	Year v. Year Percentage
Chemicals	3,000.00	4,674.65	3,000.00	0.00%
Miscellaneous Supplies	200.00	56.73	200.00	0.00%
Administrative Fee	58,662.24	58,662.24	147,718.62	151.81%
Professional Services - Legal	7,500.00	17,207.05	15,000.00	100.00%
Professional Services - Comp Plan	8,000.00	0.00	8,000.00	0.00%
Professional Services - Engineering	5,000.00	0.00	5,000.00	0.00%
TML Property Insurance	8,500.00	7,369.77	8,500.00	0.00%
Electricity - Water Plant	40,000.00	43,537.88	55,000.00	37.50%
Electricity - Lift Station	10,000.00	13,871.48	17,500.00	75.00%
Electricity - Sewer Plant	25,000.00	28,763.29	32,000.00	28.00%
Telecommunications - Alarm Phone	3,000.00	2,923.46	3,500.00	16.67%
Contract - Solid Waste Collection	0.00	872.73	0.00	-100.00%
Contract - Sludge Hauling	14,000.00	15,165.71	14,000.00	0.00%
NFBWA Water Pumpage Fee	132,000.00	234,750.76	374,673.05	183.84%
Lab Testing	15,000.00	6,532.36	15,000.00	0.00%
Bank Charges	50.00	303.27	50.00	0.00%
Contract - Water/Sewer Base (SWWC)	55,000.00	66,297.43	0.00	-100.00%
Contract - Water/ Sewer Base (ST)	0.00	0.00	194,907.84	1949078.40%
Contract - Water/ Sewer Admin. (SWWC)	18,000.00	17,206.27	0.00	-100.00%
Contract - Water/ Sewer Admin. (ST)		0.00	30,870.00	308700.00%
Contract - Water/ Sewer Reg. Fees (SWWC)	1,000.00	0.00	0.00	-100.00%
Contract - Water/ Sewer Reg. Fees (ST)		0.00	0.00	1000.00%
Contract - Water/ Sewer Maint. (SWWC)	100,000.00	182,153.66	0.00	-100.00%
Contract - Water System Maint. (ST)		0.00	22,000.00	
Contract - Sewer System Maint. (ST)		0.00	22,000.00	
Contract - Lift Station Maint. (ST)		0.00	22,000.00	65000.00%
Contract - Water/ Sewer Tapping (SWWC)	100,000.00	164,652.82	0.00	-100.00%
Contract - Water/ Sewer Tapping (ST)		0.00	192,000.00	192000.00%
TCEQ Permits	2,000.00	1,363.64	2,000.00	0.00%
TCEQ Fines	500.00	0.00	500.00	0.00%
Depreciation Expense	0.00	0.00	0.00	0.00%
Totals	\$606,412.24	\$866,365.19	\$1,185,419.52	95.48%



CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

Capital Improvements Fund Budget

City of Fulshear
2012-2013 Proposed Capital Projects Budget

Revenue Source	FY 2011/2012	YTD ACTUAL	PROPOSED FY 2012-2013
FM 1093 Line Ext. Revenue	\$ 27,099.00	\$ 16,540.10	\$0.00
NSF Fees	\$ -	\$ -	\$0.00
Transfer In - General Fund	\$ 275,000.00	\$ 275,000.00	\$ 525,370.32
Transfer In - Fulshear Restricted Reserve	\$ 340,000.00	\$ 339,486.79	\$ 300,000.00
Interest	\$ -	\$ 712.07	\$500.00
Sub-Total Revenue	\$ 642,099.00	\$ 631,738.96	\$825,870.32

Proposed Project			Amount
Bank Charges	0.00	158.71	0.00
FM 1093 Water Sewer Ext.	340,000.00	339,486.79	0.00
Fulshear Water/Sewer Improvements	275,000.00	161,366.60	0.00
Street Improvements	0.00	0.00	525,370.32
Prof. Services - Engineering & Design - Water/Sewer	0.00	0.00	300,000.00
Sub-Total Expenditures	615,000.00	501,012.10	825,370.32
Adjusted Revenue Over/ Under	\$27,099.00	130,726.86	\$500.00



CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

Regional Parks Fund Budget

City of Fulshear, Texas
 FY 2012-2013 Budget
 Regional Park Fund

<u>Revenues</u>	2011-2012 AMD	YTD Actual as of 8/30/2012	YTD Percentage	Projected Final Actual	FY 2012-2013 Proposed Budget
Interest Income - CD	\$1,000.00	\$599.99	60.00%	\$600.00	\$600.00
Interest Income - MBIA	\$150.00	\$279.60	186.40%	\$285.00	\$200.00
Reg. Park Contributions	\$20,000.00	\$125,300.00	0.00%	\$125,300.00	\$20,000.00
Total Revenue	\$21,150.00	\$126,179.59		\$126,185.00	\$20,800.00

City of Fulshear, Texas
 FY 2012-2013 Budget
 Regional Park Fund

Regional Park Fund	FY 2011-2012	Projected	FY 2012-2013
Non-Personnel	AMD	Final Actual	Proposed Budget
Supplies			\$500.00
Postage			\$300.00
Contingency			\$1,800.00
Prof. Services - Consulting			\$5,000.00
Prof. Services - Comp Planning	\$16,400.00	\$16,400.00	\$1,000.00
Prof. Services - Park Planning	\$5,000.00	\$243.56	\$10,000.00
Prof. Services - Legal			\$3,000.00
Insurance - Real & Personal Property			\$1,000.00
Insurance - W/C Contribution			\$300.00
Insurance - Errors & Omissions			\$100.00
Telecommunications			\$1,500.00
Contract Services / Labor			\$1,500.00
Prof. Services - Info Tech			\$6,000.00
Equipment/ Light Repair	\$12,000.00	\$0.00	\$5,000.00
Depreciation Expenses			
Sub-Total Non-Personnel	\$33,400.00	\$16,643.56	\$37,000.00
Capital Outlay - Equipment		\$0.00	
Capital Outlay - Land Acquisition			\$100,000.00
Capital Outlay - Other Improvements	\$25,000.00	\$0.00	\$22,000.00
	\$25,000.00	\$0.00	\$122,000.00
Total Non Departmental	\$58,400.00	\$16,643.56	\$159,000.00

CITY OF FULSHEAR STREET INVENTORY AND CIP

7/31/2012

STREET	STREET	MILES	FY 2011-2016		FY 2016-2016		
			OPT 1	OPT 2	OPT 1	OPT 2	
Countryside Lane	1740	0.33			\$ 52,662.49		
Shady Lane	2870	0.54			\$ 86,862.84		
Redbird Lane	3050	0.57			\$ 92,310.69		
Bols D' Arc Lane	18725	3.55					
Bols D' Arc Lane (Phase 1 South)	7716	1.46					
Bols D' Arc Lane (Phase 2 North)	11059	2.09	3195,750.00				
Penn Lane	3400	0.64					
Terry Lane	1810	0.34					
Oak Lane	1800	0.34					
Lee Lane	3620	0.68			\$ 57,520.20	\$ 109,562.19	
Walker Lane	2765	0.52					
McKinnon Road	2100	0.39					
Mary-Fulshear Road	4795	0.90					
Huggins Drive	1950	0.36			\$ 30,969.00	\$ 59,019.00	
Oxon Road	2648	0.50			\$ 42,062.00	\$ 80,144.00	
Oxon Road (East)	800	0.15			\$ 12,714.00	\$ 24,213.00	
Houston Street	1050	0.19			\$ 16,687.00	\$ 31,779.00	
5th (East)	1115	0.21					
4th (East)	1045	0.19			\$ 16,607.00	\$ 31,628.00	
3rd (East)	709	0.13					
2nd (East)	720	0.13					
1st (East)	715	0.13					
Syma Street	1765	0.33					
Wilson Street	1720	0.32					
5th (West)	620	0.11					
4th (West)	320	0.06			\$ 5,085.00	\$ 9,685.00	
3rd (West)	320	0.06					
2nd (West)	675	0.12					
1st (West)	675	0.12					
Front Street	600	0.11					
Harris Street	1850	0.35					
Wallis Street	4760	0.90			\$ 144,065.00		
Miscellaneous Patching/ Repair			15000				
TOTAL	89813	16.876	3,907,750.00	15,000.00	775,062.82	181,645.20	346,029.19

Option 1 - Overlay \$ 83,910.00
 Option 2 - Rework and Overlay \$ 159,809.42



CITY OF FULSHEAR, TEXAS
FY 2012-2013 BUDGET

Fulshear 4A and 4B Development
Corporations Budget

**Fiscal Development Corporation
Proposed Budget
Fiscal Year 2012-2013**

Budget Category	2012-2013 Proposed Budget
Revenues	
Sales Tax Revenue	158,000.00
Interest Income	-
Carry Over	
Total Revenues	<u>\$ 158,000.00</u>
Expenses	
Administration	
Admin - Supplies	\$ 500.00
Admin: Bank Charges	\$ 100.00
Admin - BOD Meeting Expenses	\$ 500.00
Admin - Indemnity Insurance	\$ 300.00
Admin - Continuing Education	\$ 2,000.00
Admin - Prof Services:Audit	\$ 5,000.00
Admin - Dues, Pub, Memberships	\$ 7,700.00
Admin - Public Notices	\$ 1,000.00
Admin - Prof Service:COF Admin	\$ 1,200.00
Admin - Prof Service:Ind Admin	\$ 4,500.00
Admin - Prof Service:Ind Audit	\$ 5,000.00
Admin-Prof Services: EDC Consultant	\$ 5,000.00
Admin-Prof Services: Legal	\$ 2,500.00
Admin - travel (mileage)	\$ 1,000.00
Admin - Contingency	<u>\$ 1,000.00</u>
Total Administration - Proposed	<u>\$ 37,300.00</u>

**Business Development Corporation
Proposed Budget
Fiscal Year 2012-2013**

Budget Category	2012-2013 Proposed Budget
Marketing	
Mktng - Advertising	\$ 3,500.00
Mktng - Brochures	\$ 1,000.00
Mktng - Flashdrives	\$ 2,000.00
Mktng - Web Page	\$ 1,000.00
Mktng - Contingency	<u>\$ 7,500.00</u>
Total Marketing - Proposed	<u>15,000.00</u>
Community Development	
ComDev - Parks	\$ 30,000.00
ComDev - Contingency	<u>\$ 500.00</u>
Total Community Development	<u>30,500.00</u>
Business Development	
BusDev - Incentives	\$ 10,000.00
Bus Dev: Infrastructure	\$ 10,000.00
BusDev - Meetings	\$ 3,000.00
BusDev - Property Acquisition	\$ 12,000.00
BusDev - Contingency	<u>\$ 2,200.00</u>
Total Business Development	<u>37,200.00</u>
Debt Service	
Debt Service - Loan pymt	38,000.00
Total Expenses	<u>158,000.00</u>
Net Income	<u>0.00</u>

**Economic Development Corporation
Budget Worksheet
Fiscal Year 2012-2013**

Budget Category	2012-2013 Proposed Budget
Revenues	
Sales Tax Revenue	158,000.00
Interest Income	
Transfer from Reserves	<u>60,000.00</u>
Total Revenues	<u>\$ 218,000.00</u>

Expenses	
Administration	
Admin - Supples	500.00
Admin: Bank Charges	100.00
Admin - BOD Meeting Expenses	500.00
Admin - Indemnity Insurance	400.00
Admin - Continuing Education	2,000.00
Admin - Prof Services:Audit	5,000.00
Admin - Dues, Pub, Memberships	6,000.00
Admin - Prof Service:COF Admin	2,000.00
Admin - Prof Service:Ind Admin	4,500.00
Admin - Prof Service:Ind Audit	2,000.00
Admin-Prof Services: EDC Consultant	6,000.00
Admin-Prof Services: Legal	3,500.00
Admin - travel	2,000.00
Admin - Contingency	<u>1,000.00</u>
Total Administration - Proposed	<u>\$ 35,500.00</u>

**Wishear Development Corporation
Budget Worksheet
Fiscal Year 2012-2013**

Budget Category	2012-2013 Proposed Budget
Marketing	
Mktng - Advertising	5,000.00
Mktng - Brochures	1,000.00
Mktng - Flashdrives	2,000.00
Mktng - Web Page	2,200.00
Mktng - Contingency	13,300.00
Total Marketing - Proposed	<u>\$ 23,500.00</u>
 Tourism Development	
TourDev - Estblished Events	17,000.00
TourDev - New Events	1,500.00
TourDev - Promo Materials	12,000.00
TourDev - Directional Signs	20,000.00
TourDev - Contingency	500.00
Total Tourisms Development	<u>\$ 51,000.00</u>
 Retail Development Programs	
RetDev - Marketing programs	8,500.00
RetDev - Consulting programs	10,000.00
RetDev - Contingency	500.00
Total Retail Development	<u>\$ 19,000.00</u>

**Frishear Development Corporation
Budget Worksheet
Fiscal Year 2012-2013**

Budget Category	2012-2013 Proposed Budget
Community Development	
ComDev - Gateways (signs)	40,000.00
ComDev - Gateway sign maintenance	10,000.00
ComDev - Parks	22,500.00
ComDev - Contingency	500.00
Total Community Development	<u>\$ 73,000.00</u>
Business Development	
BusDev - Incentives	7,500.00
Bus Dev: Bus Dev Training	5,000.00
BusDev - Meetings	3,000.00
BusDev - Contingency	500.00
Total Business Development	<u>\$ 16,000.00</u>
Total Expenses	<u>\$ 218,000.00</u>
<hr/>	
Net Income	<u>\$ -</u>

ORDINANCE NO. 2012-1083

AN ORDINANCE PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF FULSHEAR, TEXAS, FOR THE YEAR 2013 AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

WHEREAS, the City Council is desirous of continuing the City's ability to provide necessary and auxiliary services; and

WHEREAS, the appraisal roll of the City of Fulshear, Texas has been prepared and certified by the Central Appraisal District and submitted to the City's tax assessor/collector; and

WHEREAS, the tax assessor/collector has submitted the appraisal roll for the City showing \$342,115,027 in total appraised, assessed and taxable value of all property and the total taxable value of new property to the City; and

WHEREAS, following notices and hearings in accordance with applicable legal requirements and based upon said appraisal roll, the City Council has determined a tax rate to be levied for Fiscal Year 2012-2013 sufficient to provide the tax revenues required by the City; and

WHEREAS, this tax rate will raise more tax revenue for maintenance and operations than the previous year;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. All property subject to ad valorem taxation by the City of Fulshear, Texas, shall be equally and uniformly assessed for such purposes at One Hundred Percent (100 %) of the fair market value of such property.

Section 3. There is hereby levied for general purposes and use by the City of Fulshear, Texas, for the year 2013, and for each year thereafter until otherwise provided, an ad valorem tax at the rate of Twenty and .03656 Cents (\$.203656) on each One Hundred Dollars (\$100) of assessed valuation on all property, real, personal, and mixed, within the corporate limits upon which an ad valorem tax is authorized by law to be levied by the City of Fulshear, Texas. The proceeds from such tax shall be applied to the payment of the general and current expenses of the government of the City. All such taxes shall be assessed and collected in current money of the United States of America. **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.** Because the rate set exceeds the Effective Rate **THE TAX RATE WILL**

EFFECTIVELY BE RAISED BY 1.8 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$15.09.

Section 4. All ad valorem taxes levied hereby, as reflected by Section 3 hereof, shall be due and payable on or before January 31, 2013. All ad valorem taxes due the City of Fulshear, Texas, and not paid on or before January 31 following the year for which they were levied shall bear penalty and interest as prescribed in the Property Tax Code of the State of Texas.

Section 5. All ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. 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 declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2012.



Thomas C. Kuykendall, Jr.
Mayor

ATTEST:



D. (Diana) Gordon Offord
City Secretary

ORDINANCE NO. 2012-1084

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS CONSOLIDATING ALL RATES AND FEES CHARGED FOR WATER AND WASTE WATER SERVICES; REVISING CHARGES FOR TAPS AND METER INSTALLATION; CREATING PENALTIES FOR TAMPERING; REPEALING ALL PREVIOUS ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council of the City of Fulshear to develop an omnibus rate and fee order that will allow the Enterprise Fund to rely on its own revenues for operations rather than requiring a subsidy from the General Fund, thus making the rates more equitable to property owners within the jurisdiction; AND

WHEREAS, the State of Texas has long encouraged rate models that promote conservation of water resources by creating tiered rates which reward lower consumption; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that these financial goals are best attained through the rate structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to create an omnibus rate and fee order that encourages water conservation, rate equity for property owners and fiscal responsibility for the Enterprise Fund while developing a structure conducive for future development.

SECTION 2.0

REPEALED: All prior Ordinances defining Rates and Fees for Water and Waste Water Services are hereby repealed.

SECTION 3.0

RESIDENTIAL RATES AND FEES: The Chart below details the adopted Rates for Water and Waste Water Services charged by the City of Fulshear for Residential Accounts/ Customers:

RESIDENTIAL TAPS	
5/8 INCH	\$880.00
3/4 INCH	\$1,172.50
1 INCH	\$1,465.00
Long Tap	\$3.00 per ft. over 40 ft. long or over 5 ft. deep
SEWER TAP	\$150.00

Non standard sewer connections will incur a charge equal to three (3) times the actual cost of installation

RESIDENTIAL WATER RATES

0 - 5,000 GALLONS	\$13.00
5,001 - 10,000 GALLONS(for each additional thousand gallons	\$2.00
10,001 - 20,000 GALLONS(for each additional thousand gallons	\$2.50
20,001 GALLONS and over(for each additional thousand gallons	\$3.00

RESIDENTIAL WASTE WATER RATES

0 - 5,000 GALLONS	\$13.00
5,001 and over (for each additional thousand gallons)	\$2.00

Residential Sewer Rates shall be capped at 30,000 Gallons of usage

RESIDENTIAL IRRIGATION WATER RATES

0 GALLONS	\$0.00
1 - 1,000 GALLONS additional thousand gallons	\$6.00
1,001 - 5,000 GALLONS(for each additional thousand gallons	\$1.75
5,001 - 10,000 GALLONS(for each additional thousand gallons	\$2.75
10,001 - 20,000 GALLONS(for each additional thousand gallons	\$3.00
20,001 GALLONS and over(for each additional thousand gallons	\$3.25

Irrigation Only Meters shall not be charged for Waste Water

SERVICE CHARGES

Residential Customer Deposit	\$50.00
Commercial 1.5 Inch TO 2 inch Deposit	\$200.00
Commercial 3 inch Deposit	\$300.00
Commercial 4 inch Deposit	\$400.00
Commercial 5 inch or greater Deposit	\$500.00
Delinquency Notices	\$10.00
Transfers	\$25.00
Return Check	\$35.00

Tampering Fee* \$150.00 + Repair Costs

*Does not include potential Fines and Fees resulting from criminal prosecution

SECTION 4.0

COMMERCIAL RATES AND FEES: The Chart below details the adopted Rates for Water and Waste Water Services charged by the City of Fulshear for Commercial Accounts/ Customers:

COMMERCIAL WATER TAPS	
Commercial Tap 1.5 INCH and above	**price is bid rate, plus 200%**
Commercial Sewer Tap	**price is bid rate, plus 200%**
Commercial Long Tap	\$4.25 per ft. over 40 ft. long or over 5 ft. deep

COMMERCIAL WATER RATES	
0 - 5,000 GALLONS	\$15.00
5,001 - 10,000 GALLONS(for each additional thousand gallons)	\$2.75
10,001 - 20,000 GALLONS(for each additional thousand gallons)	\$3.00
20,001 GALLONS and over(for each additional thousand gallons)	\$3.25

COMMERCIAL WASTE WATER RATES	
0 - 5,000 GALLONS	\$15.00
5,001 and over (for each additional thousand gallons)	\$2.50

SERVICE CHARGES	
Commercial Customer Deposit	\$100.00
Commercial 1.5 Inch TO 2 inch Deposit	\$200.00
Commercial 3 inch Deposit	\$300.00
Commercial 4 inch Deposit	\$400.00
Commercial 5 inch or greater Deposit	\$500.00
Delinquency Notices	\$10.00
Transfers	\$25.00
Return Check	\$35.00
Tampering Fee*	\$150.00

*Does not include potential Fines and Fees resulting from criminal prosecution

SECTION 5.0

COMMERCIAL RATES AND FEES: The Chart below details the adopted Rates for Water and Waste Water Services charged by the City of Fulshear for Commercial Accounts/ Customers:

BUILDER CUSTOMER WATER RATES	
0 - 5,000 GALLONS	\$20.00
5,001 - 10,000 GALLONS(for each additional thousand gallons	\$2.75
10,001 - 20,000 GALLONS(for each additional thousand gallons	\$3.00
20,001 GALLONS and over(for each additional thousand gallons	\$3.25

SERVICE CHARGES	
Commercial Customer Deposit	\$100.00
Delinquency Notices	\$10.00
Transfers	\$25.00
Return Check	\$35.00
Tampering Fee*	\$150.00

*Does not include potential Fines and Fees resulting from criminal prosecution

SECTION 6.0

TAMPERING ILLEGAL: All water meters, whether privately owned or belonging to the water system, shall be set only by authorized representatives of the city. No person other than authorized representatives of the city may remove, repair, attempt to repair, interfere with or tamper with any water meter in any manner.

SECTION 7.0

VIOLATION AND PENALTY: Any person violating the provisions of this Ordinance is guilty of a Class "C" misdemeanor and upon conviction shall be fined not more than \$500.00 for each offense. Each day a person violates the provisions of this Ordinance shall be considered a separate offense.

SECTION 8.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 9.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 10.0

EFFECTIVE DATE: This Ordinance shall be effective on November 1, 2012.

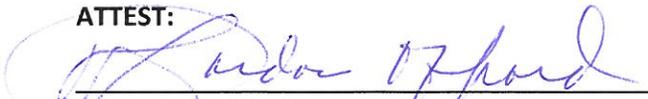
SECTION 11.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.



Thomas C. Kuykendall Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1085

AN ORDINANCE OF THE CITY OF THE CITY OF FULSHEAR, TEXAS, AMENDING THE ZONING ORDINANCE TO PROVIDE FOR EXTERIOR CONSTRUCTION MATERIALS STANDARDS IN CERTAIN DISTRICTS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Fulshear, Texas ("City"), is authorized by Chapter 211 of the Texas Local Government to promulgate rules and regulations governing regulation of land use, structures, businesses, and related activities; and

WHEREAS, the City Council of the City of Fulshear, Texas, finds that the rules and regulations governing land use, structures, businesses, and related activities within the territorial limits of the City promotes the health, safety, morals, and general welfare of the City; and

WHEREAS, the City Council of the City of Fulshear, Texas, further finds that the rules and regulations governing land use, structures, businesses, and related activities within the territorial limits of the City promotes the safe, orderly, and healthful development of the City; and

WHEREAS, the City Council of the City of Fulshear, Texas, further finds that the rules and regulations governing land use, structures, businesses, and related activities within the territorial limits of the City should be amended to regulate exterior construction materials within certain districts to promote the safe, orderly, and healthful development of the City; and

WHEREAS, the City Council of the City of Fulshear, Texas, held a Public Hearing prior to the adoption of this Ordinance, in which any person desiring to comment on this Ordinance was allowed to speak and the City Council considered all comments;

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

Section 1. All of the facts and recitations found in the preamble of this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. Purpose. The purpose of this Ordinance is to provide for exterior construction materials within certain zoning districts in the City.

Section 3. Definitions. Section 1-72 of the zoning ordinance is amended to include the following definitions:

“Residential building means a building utilized for single-family detached, single-family attached, duplex or multi-family dwellings and accessory structures related to residential building.

Nonresidential building means a building utilized for use other than residential dwellings and accessory structures related to nonresidential buildings.

Masonry means and includes that form of construction defined below and composed of brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar. The following materials shall not qualify nor be defined as “masonry” in meeting the minimum requirements for exterior construction of buildings, unless specifically approved by variance:

- Stucco, exterior plaster, adobe or mortar wash surface material;
- Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
- Cementitious fiber board siding or fiber cement siding, (such as “Hardy Plank” or “Hardy Board”);
- Precast concrete panels; and
- Plain concrete block or painted concrete block.

Brick means kiln fired clay or shale brick manufactured to American Society for Testing and Materials (“ASTM”) C216 or C652 Grade SW; may include concrete brick if the coloration is integral, shall not be painted, and is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay, sand, or shale.

Concrete Masonry Unit (“CMU”) means a building unit or block larger in size than 12” X 4” x 4” made of cement and suitable aggregates. See also Decorative Concrete Block.

Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches (2 5/8”) when applied as a veneer

Decorative Concrete Block means concrete masonry unit (CMU) which has a highly textured finish, such as split faced, indented, hammered, fluted, ribbed, or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

Precast Concrete Panel means a product often associated with tilt up wall construction where concrete has been cast into a form which is later incorporated into a structure.

Stucco means traditional cementitious three-step hard coat stucco with a minimum thickness of seven eighths of an inch (7/8"). It does not include Exterior Insulation Finishing Systems (EIFS) or synthetic stucco. See also Stucco, Integrally Colored

Stucco, Integrally Colored means stucco which has color added to the cementitious stucco mixture prior to application to the wall surface and shall not be painted upon. ”

Section 4. A new section 1-167 of the zoning ordinance is added to read:
“Sec. 1-167 - Exterior Construction Materials.

(a) General Provisions: The following provisions shall apply to:

- (1) All new residential buildings constructed after [effective date of this ordinance] and located within specified districts.
- (2) All new nonresidential buildings constructed after [effective date of this ordinance] and located within specified districts.
- (3) Any nonresidential building expansion of fifty percent (50%) or more of floor area as of the time this ordinance takes effect, either by a single expansion or by the cumulative effect of a series of expansions, within specified districts.

(b) Exterior Material Requirements for Selected Districts.

- (1) Residential Lot (R2) Districts. At least seventy five percent (75%) of the total exterior wall surface area, excluding windows and doors, of all buildings located in (R2) Districts shall be constructed of brick, stone, integrally colored stucco or a combination thereof. Exterior wall surfaces located on street facing building front, side, and back facades shall be constructed of at least ninety percent (90%) brick, stone, integrally colored stucco or a combination thereof. The remaining portions of exterior walls shall be constructed of any combination of masonry, fiber-cement siding, or stucco. Precast concrete panels, and plain or painted CMU are permitted if post-constructed wall areas are covered by the required percentages of above specified materials. Stucco or fiber-cement siding may be used on the following:

- a. Exterior walls of residential accessory buildings of two hundred (200) square feet or less.
- (2) Multi-Family (MF) Districts. At least seventy five percent (75%) of the total exterior wall surface area, excluding windows and doors, of all buildings located in (MF) Districts shall be constructed of brick, stone, decorative concrete block or any combination thereof. Exterior wall surfaces located on street facing building front, side, and back facades shall be constructed of at least ninety percent (90%) brick, stone, or a combination thereof. The remaining portion of exterior walls shall be constructed of any combination of masonry, fiber-cement siding, or stucco. Precast concrete panels and plain or painted CMU are permitted if post-constructed wall areas are covered by the required percentages of above specified materials.
 - (3) Commercial (C) Districts. At least seventy five percent (75%) of the total exterior wall surface area, excluding windows and doors, of all buildings located in (C) Districts shall be constructed of brick, stone, decorative concrete block or any combination thereof. Exterior wall surfaces located on street facing building front, side, and back facades shall be constructed of at least ninety percent (90%) brick, stone, decorative concrete block, or a combination thereof. Precast concrete panels and plain or painted CMU are permitted if post-constructed wall areas are covered by the required percentage of above specified masonry materials. Corrugated metal siding is prohibited on all exterior wall surfaces.
 - (4) Industrial (I) Districts. At least seventy five percent (75%) of the total exterior wall surface area, excluding windows and doors, of all buildings located in (I) Districts shall be constructed of at least ninety percent brick, stone, decorative concrete block, stucco, finished or painted precast concrete panels, or any combination thereof. Exterior wall surfaces located on street facing building front, side, and back facades shall be constructed of at least ninety percent (90%) brick, stone, decorative concrete block, or a combination thereof. Corrugated metal siding is prohibited on all exterior wall surfaces.
 - (5) Downtown District (DD). Exterior wall surfaces, excluding windows and doors, of nonresidential buildings located in (DD) District and on lots with frontage along FM 1093 or FM 359 shall be constructed of at least ninety percent (90%) brick or stone. Precast concrete panels, and plain or painted CMU are permitted if post-constructed wall areas are covered by the required percentage of above specified masonry materials. Corrugated metal siding is prohibited on all exterior wall surfaces.”

Section 5. A new section 1-168 of the zoning ordinance is added to read:

“Sec. 1-168. Exterior construction materials table.

Material	Wall Area	R2	MF	C	I	DD
Brick	All Walls	Allowed	Allowed	Allowed	Allowed	Allowed
Stone	All Walls	Allowed	Allowed	Allowed	Allowed	Allowed
Decorative Concrete Block, Integral Color	All Walls	Prohibited	Allowed	Allowed	Allowed	Up to 10%
CMU other than Decorative Concrete Block	Street Facing	Prohibited	Prohibited	Up to 10%	Up to 10%	Up to 10%
	Total Exterior	Prohibited	Prohibited	Up to 25%	Up to 25%	Up to 10%
Stucco, Integral Color	Street Facing	Allowed	Up to 10%	Up to 10%	Up to 10%	Up to 10%
	Total Exterior	Allowed	Up to 25%	Up to 25%	Allowed**	Up to 10%
Stucco, Painted	Street Facing	Up to 10%				
	Total Exterior	Up to 25%	Up to 25%	Up to 25%	Allowed**	Up to 10%
Precast Concrete Panels or CMU and Covered with Specified Materials	All Walls	Allowed	Allowed	Allowed	Allowed	Allowed
Precast Concrete Panels, Painted or Exposed	Street Facing	Prohibited	Prohibited	Up to 10%	Up to 10%	Up to 10%
	Total Exterior	Prohibited	Prohibited	Up to 25%	Allowed**	Up to 10%
Fiber-Cement Siding	Street Facing	Up to 10%*	Up to 10%	Up to 10%	Up to 10%	Up to 10%
	Total Exterior	Up to 25%*	Up to 25%	Up to 25%	Up to 25%	Up to 10%
Corrugated Metal Siding	All Walls	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Other Materials Not Listed	Street Facing	Prohibited	Prohibited	Up to 10%	Up to 10%	Up to 10%
	Total Exterior	Prohibited	Prohibited	Up to 25%	Up to 25%	Up to 10%

*R2 Areas – Fiber cement siding and stucco may be used on

(a) Residential accessory buildings of two hundred (200) square feet or less

** I Areas – Stucco and painted or finished precast concrete panels are allowed on all walls that are NOT street facing. On street facing walls, they are limited to up to 10% of the wall area.

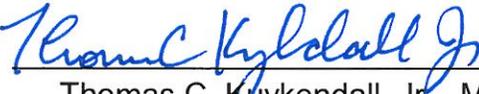
Section 6. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 7. *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 8. *Repeal.* All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

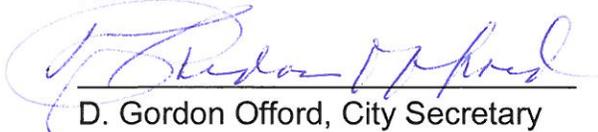
Section 9. *Effective Date.* This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED on this 16th day of October, 2012.



Thomas C. Kuykendall, Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1086

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, MEMORIALIZING THE CREATION OF THE CITY OF FULSHEAR, TEXAS, POLICE DEPARTMENT; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas, (“City”) desires to achieve best practices recognition status from the Texas Police Chief Association’s Law Enforcement Best Practices Recognition Program; and

WHEREAS, the City is in the process of submitting the City’s Police Department for Best Practices Recognition; and

WHEREAS, to assist in completing its submittal for Best Practices Recognition, the City adopts this ordinance memorializing the creation of the City’s Police Department; and

WHEREAS, the City’s Police Department has long existed to provide law enforcement services to citizens; and

WHEREAS, the State of Texas through administrative agencies has long recognized the existence of the City’s Police Department;

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

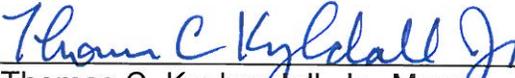
Section 1. The facts and recitations contained in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. The City Council of the City of Fulshear, Texas, hereby verifies, ratifies, and memorializes the creation and existence of the City’s Police Department and all past actions of such police department.

Section 3. *Repeal.* All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. *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.

PASSED, APPROVED, and ADOPTED this the 20th day of November, 2012.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-1087

AN ORDINANCE AMENDING CITY OF FULSHEAR, TEXAS, ORDINANCE NOS. 2011-1048 and 2012-1072 BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2011-2012, BY APPROVING "BUDGET AMENDMENT II" TO THE "ORIGINAL GENERAL BUDGET OF THE CITY OF Fulshear, TEXAS, FOR THE FISCAL YEAR 2011-2012"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 2011-1048, the City Council of the City of Fulshear, Texas, adopted its "Original General Budget for Fiscal Year 2011-2012"; and

WHEREAS, the City Council has determined that revenues and/or reserves are available for supplemental appropriation, and/or that the transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting and for municipal purposes; and

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2011-2012; now, therefore,

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt an amendment to the City of Fulshear's 2011-2012 Budget.

SECTION 2.0

AMENDED: The "Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2011-2012," adopted under Ordinance No. 2011-1048 is hereby amended for municipal purposes as shown on "Budget Amendment II" to the "Original Budget of the City of Fulshear Texas, for the Fiscal year 2011-2012" attached hereto. Said Budget Amendment II shall be attached to and made a part of such Original General Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibits "A" and made a part hereof for all purposes.

SECTION 3.0

AUTHORIZED EXPENDITURE: That the City be and is hereby authorized to expend those funds allocated under the budget ordinance, as amended herein and the fund balance at the end of the current fiscal year will be carried forward to the next budget to fund the allocations for the next fiscal year.

SECTION 4.0

NON-REPEALER: That except as amended hereby, or as heretofore amended, the provisions of Ordinance No. 2011-1048 and 2012-1072 shall remain in full force and effect.

SECTION 5.0

SEVERABILITY: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect

the validity of this ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

SECTION 6.0

EFFECTIVE DATE: That this ordinance shall take effect immediately from and after its passage as the law in such cases provides, and the City Secretary is directed to furnish a copy of this amendment to the budget to the County Clerk of Ft. Bend County as required by Chapter 102 of the Texas Local Government Code.


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

BUDGET ADJUSTMENT REGISTER

Attachment A.

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
100 48221	9/30/2012	Regional Park Contribution	134,400.00	20,000.00-	0.00	154,400.00-	0.00
100 46010	9/30/2012	Interest Income IMA	712.00	0.00	0.00	712.00-	12.32
100 5-000-475-00	9/30/2012	BANK CHARGES	159.00	0.00	0.00	159.00	0.29
100 5-000-5650-00	9/30/2012	1093 WATER SEWER EXT.	85,000.00	0.00	340,000.00	425,000.00	85,513.21
100 5-000-5550-01	9/30/2012	Fulshear Water/Sewer Improv.	35,000.00-	0.00	275,000.00	190,000.00	21,607.35
150 4E010	9/30/2012	Special Donations	5,140.00	0.00	0.00	5,140.00-	0.00
150 5-000-5381-00	9/30/2012	Other Expenses	2,500.00	0.00	0.00	2,500.00	0.00
150 5-000-5381-02	9/30/2012	Child Safety Expenses	3,390.00	0.00	0.00	3,390.00	0.92
150 44100	9/30/2012	Sales-Water	55,000.00	76,476.31-	0.00	131,476.31-	10,528.90-
150 44101	9/30/2012	Sales - Sewer	13,000.00	64,216.50-	0.00	77,216.50-	5,245.52-
150 44300	9/30/2012	Water & Sewer Taps	50,000.00	12,000.00-	0.00	62,000.00-	235.89
150 44500	9/30/2012	Sales - NFBWA Lumpage	14,000.00	39,826.75-	0.00	53,823.75-	5,072.43-
150 49500	9/30/2012	Transfers from General	65,718.00-	65,718.56-	0.00	0.56-	0.56-
150 5-000-5405-00	9/30/2012	Administrative Fee	1.00	14,665.53	0.00	14,666.53	0.56
150 5-000-5411-00	9/30/2012	Professional Services - Legal	6,000.00-	7,500.00	0.00	1,500.00	31.50
150 5-000-5412-00	9/30/2012	Prof. Services - Comp. Plannin	2,000.00-	2,000.00	0.00	0.00	0.00
150 5-000-5413-00	9/30/2012	Prof Services- Engineering	6,000.00-	6,000.00	0.00	0.00	0.00

BUDGET ADJUSTMENT REGISTER

UND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
00 5-000-5431-00	9/30/2012	Real & Personal Property Insr	158.00	1,585.00	0.00	1,743.00	0.25
00 5-000-5431-01	9/30/2012	Electricity- Water Plant	1,700.00-	12,000.00	0.00	10,300.00	26.25
00 5-000-5431-02	9/30/2012	Electricity- Lift Station	1,500.00	2,000.00	0.00	3,500.00	357.53
00 5-000-5431-03	9/30/2012	Electricity- Sewer Plant	1,670.00-	12,000.00	0.00	10,330.00	1,954.50
00 5-000-5461-08	9/30/2012	Hauling- Sludge	3,001.00-	6,000.00	0.00	2,999.00	450.23
00 5-000-5465-00	9/30/2012	Water Pumpage Fees	19,000.00	40,000.00	0.00	67,000.00	6,193.90
00 5-000-5466-00	9/30/2012	Lab Testing	1,200.00-	6,000.00	0.00	4,800.00	0.00
00 5-000-5475-00	9/30/2012	Bank Charges	200.00-	250.00	0.00	50.00	27.00
00 5-000-5510-01	9/30/2012	Water/Sewer Contract- Base	12,000.00	30,000.00	0.00	42,000.00	456.15
00 5-000-5510-02	9/30/2012	W/S Contract- Admin Fees	2,100.00	6,500.00	0.00	8,600.00	688.45
00 5-000-5510-03	9/30/2012	W/S Contract- Regulatory Fees	1,000.00-	1,000.00	0.00	0.00	0.00
00 5-000-5510-04	9/30/2012	Repair & Maintenance	20,945.00-	45,000.00	0.00	64,055.00	0.91
00 5-000-5510-05	9/30/2012	W/S Contract - Tapping Fees	11,047.00	13,500.00	0.00	24,547.00	0.95
00 5-000-551E-00	9/30/2012	Permits	470.00-	2,500.00	0.00	2,030.00	3.85
00 5-000-551E-01	9/30/2012	TCEQ Fines	100.00-	100.00	0.00	0.00	0.00
50 44100	9/30/2012	Sales - Water	223,055.00	231,913.51-	0.00	455,571.51-	44,653.55-
50 44101	9/30/2012	Sales - Sewer	100,256.00	157,329.47-	0.00	257,585.47-	27,149.59-

BUDGET ADJUSTMENT REGISTER

TRND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
50 44200	9/30/2012	Transfer - Water Sever	4,886.00	4,500.00-	0.00	9,386.00-	299.07-
50 44300	9/30/2012	Sales - Water & Sewer Taps	136,697.00	160,025.00-	0.00	296,722.00-	0.50
50 44600	9/30/2012	Sales - NFBWA, Pumpage	141,951.00	107,531.25-	0.00	249,182.25-	26,162.02-
50 5000-5324-00	9/30/2012	Chemicals	1,286.00	3,000.00	0.00	4,286.00	0.90
50 5000-5411-00	9/30/2012	Professional Services - Legal	8,275.00	7,500.00	0.00	15,775.00	1.87
50 5000-5412-00	9/30/2012	Prof. Services - Comp. Plannin	8,000.00-	8,000.00	0.00	0.00	0.00
50 5000-5413-00	9/30/2012	Prof Services - Engineering	2,562.00-	5,000.00	0.00	2,438.00	0.52
50 5000-5421-00	9/30/2012	TML Property Insurance	1,700.00-	0,500.00	0.00	6,800.00	44.38
50 5000-5431-01	9/30/2012	Electricity - Water Plant	4,732.00	40,000.00	0.00	44,732.00	0.01
50 5000-5431-02	9/30/2012	Electricity - Lift Station	3,232.00	10,000.00	0.00	13,232.00	0.10
50 5000-5431-03	9/30/2012	Electricity - Sewer Plant	3,323.00	25,000.00	0.00	26,323.00	0.21
50 5000-5461-01	9/30/2012	Solid Waste Containers	960.00	0.00	0.00	960.00	0.00
50 5000-5465-00	9/30/2012	Water Pumpage Fees	112,800.00	132,000.00	0.00	244,800.00	12.30
50 5000-5466-00	9/30/2012	Lab Testing	9,000.00-	15,000.00	0.00	6,000.00	12.00
50 5000-5475-00	9/30/2012	Bank Charges	255.00	50.00	0.00	315.00	2.00
50 5000-5510-01	9/30/2012	Contract - Water/Sewer Base	40,000.00	55,000.00	0.00	95,000.00	927.15
50 5000-5510-02	9/30/2012	Contract - W/S Admin Fees	7,000.00	16,000.00	0.00	25,000.00	217.41

BUDGET ADJUSTMENT REGISTER

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
150 5-000-5510-03	9/30/2012	Contract - W/S Regulatory Fee	1,000.00-	1,000.00	0.00	0.00	0.00
150 5-000-5510-04	9/30/2012	Repair & Maintenance	100,000.00	100,000.00	0.00	200,000.00	20,052.95
150 5-000-5510-05	9/30/2012	W/S Contract - Tapping Charges	100,000.00	100,000.00	0.00	200,000.00	17,307.83
150 5-000-5515-00	9/30/2012	Permits	750.00-	2,000.00	0.00	1,250.00	0.00
150 5-000-5515-01	9/30/2012	TCEQ Fines	500.00-	500.00	0.00	0.00	0.00
.00 41301	9/30/2012	Sales & Use Tax	60,000.00	247,049.53-	0.00	307,049.53-	2,024.67
.00 41501	9/30/2012	Franchise - Electrical	30,000.00	50,000.00-	0.00	80,000.00-	1,748.52
.00 41503	9/30/2012	Franchise - Telecomm	17,000.00	10,000.00-	8,800.00	35,000.00-	547.93
.00 41504	9/30/2012	Franchise - Cable TV	6,000.00	10,000.00-	4,000.00-	12,000.00-	419.97
.00 42001	9/30/2012	Registration - Electrician	4,000.00	4,700.00-	0.00	8,700.00-	300.00
.00 42002	9/30/2012	Registration - HVAC	1,200.00	1,200.00-	0.00	2,400.00-	0.00
.00 42003	9/30/2012	Registration - Bldg Contractor	8,000.00	3,000.00-	5,000.00	10,000.00-	0.00
.00 42201	9/30/2012	Permit - Electrical	6,000.00	47,900.00-	0.00	53,900.00-	925.32
.00 42202	9/30/2012	Permit - HVAC	5,000.00	19,995.00-	0.00	24,995.00-	93.00
.00 42203	9/30/2012	Permit - Bldg Contractor	145,000.00	360,000.00-	0.00	505,000.00-	2,891.11
.00 42204	9/30/2012	Permit - Plumbing	12,000.00	26,840.00-	0.00	38,840.00-	54.50
.00 42205	9/30/2012	Permit - Solicitation	120.00-	120.00-	0.00	0.00	0.00

PACKET: 00014-11/12 AMENDMENT 2
 BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
.00 42206	9/30/2012	Permit - Fire Suppression	50.00-	60.00-	0.00	0.00	0.00
.00 42700	9/30/2012	Inspection Fees	110,000.00	224,394.00-	0.00	334,394.00-	2,968.07
.00 43100	9/30/2012	Grant Rev - Capital Projects	15,000.00-	36,000.00-	0.00	21,000.00-	0.00
.00 44000	9/30/2012	Refund Revenue	200.00-	3,200.00-	3,000.00-	0.00	0.00
.00 44011	9/30/2012	Engr - Plan Review	80,000.00	170,850.00-	0.00	250,850.00-	861.55
.00 44100	9/30/2012	Subdit - Plat Fees	5,000.00-	15,300.00-	0.00	10,300.00-	153.90-
.00 45001	9/30/2012	Court Fines & Forfeitures	8,000.00	10,000.00-	0.00	18,000.00-	1,059.84
.00 45002	9/30/2012	Court Fees	3,700.00-	45,000.00-	0.00	41,300.00-	16.51-
.00 45703	9/30/2012	Court Deferred Dispositions	4,000.00	2,000.00-	2,000.00	8,000.00-	459.00
.00 45807	9/30/2012	Court Time Payment Fees Local	200.00-	200.00-	0.00	0.00	23.55-
.00 46010	9/30/2012	Interest - CDs	2,000.00-	5,000.00-	0.00	3,000.00-	107.72-
.00 49003	9/30/2012	Comm Dev - Sponsor Contrib	19,000.00-	20,000.00-	0.00	1,000.00-	750.00-
.00 49605	9/30/2012	Comm Dev. - FPN Easement	1,000.00-	1,000.00-	0.00	0.00	0.00
.00 5-120-5216-01	9/30/2012	Major Compensation	400.00	1,800.00	0.00	5,200.00	0.00
.00 5-120-5235-00	9/30/2012	Employee Health Benefits	290.00	7,428.00	0.00	7,718.00	1.43
.00 5-120-5270-00	9/30/2012	Allocated Overhead	6.22-	22,394.99-	0.00	22,401.20-	0.00
* WARNING ** NEW BUDGET NEGATIVE							
.00 5-120-5311-00	9/30/2012	Supplies-admin	1,450.00	4,000.00	1,500.00	6,950.00	11.63

PACKET: 00014-11/12 AMENDMENT 2
 BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
.00 5-120-5314-00	9/30/2012	Publication/Ref Material	50.00	500.00	0.00	550.00	2.70
.00 5-120-5381-00	9/30/2012	Meeting Expense	2,000.00-	4,000.00	0.00	2,000.00	21.07
.00 5-120-5411-00	9/30/2012	Prof Services Legal	19,900.00	85,000.00	25,000.00	129,900.00	54.10
.00 5-120-5411-01	9/30/2012	Legal - LCISD	525.00	0.00	1,500.00	2,025.00	2.96
.00 5-120-5411-02	9/30/2012	Legal Fees - Development	6,875.00	10,000.00	0.00	16,875.00	14.55
.00 5-120-5461-05	9/30/2012	Prof Services Info Tech	75.00	2,000.00	0.00	2,075.00	2.50
.00 5-120-5415-00	9/30/2012	Comprehensive Planning	49,530.00-	67,000.00	0.00	17,470.00	245.19
.00 5-120-5467-00	9/30/2012	Drug Screenings/Evaluations	30.00	0.00	0.00	30.00	0.00
.00 5-150-5210-00	9/30/2012	Salary - City Secretary	1.00	44,107.86	0.00	44,108.86	0.90
.00 5-150-5235-00	9/30/2012	Employee Health Benefit	290.00	7,428.00	0.00	7,718.00	1.45
.00 5-150-5461-04	9/30/2012	Codification	12,500.00-	12,500.00	0.00	0.00	0.00
.00 5-150-5526-00	9/30/2012	Notices - Public	1,855.00	2,000.00	0.00	3,855.00	1.52
.00 5-150-5210-00	9/30/2012	Salaries - Finance	1.00	38,750.00	0.00	38,761.00	0.58
.00 5-160-5235-00	9/30/2012	Employee Health Benefits	290.00	7,428.00	0.00	7,718.00	1.45
.00 5-160-5570-00	9/30/2012	Allocated Overhead	1.50-	23,190.30-	0.00	23,191.80-	0.00
** WARNING ** NEW BUDGET NEGATIVE							
.00 5-160-5412-00	9/30/2012	Prof Services Accounting	2,500.00-	15,500.00	0.00	12,900.00	37.15
.00 5-160-5461-05	9/30/2012	Prof Services Info Tech	20.00	1,500.00	1,000.00-	520.00	0.00

TUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000056							
.00 5-100-5560-07	9/30/2012	Appl SW -Incode Maint Contract	4,250.00-	6,500.00	0.00	2,250.00	0.00
.00 5-110-5434-00	9/30/2012	TELECOMMUNICATIONS	90.00	0.00	500.00	590.00	0.45
.00 5-110-5528-00	9/30/2012	Travel/Training - City Council	2,100.00-	3,000.00	725.00-	175.00	25.00
.00 5-530-5239-00	9/30/2012	Workers Compensation	27.00	380.00	0.00	407.00	0.52
.00 5-530-5314-00	9/30/2012	Publication/Ref Material	70.00	300.00	0.00	370.00	0.40
.00 5-530-5363-01	9/30/2012	Auto Maintenance	1,100.00-	2,000.00	0.00	900.00	39.83
.00 5-530-5413-00	9/30/2012	Prof Services Engineering	25,025.00	20,000.00	0.00	45,025.00	0.62
.00 5-530-5461-01	9/30/2012	DPS Inspections	2,150.00-	5,000.00	2,500.00-	350.00	0.00
.00 5-530-5461-02	9/30/2012	Prof. Serv. Substandard Mainten	3,000.00-	8,500.00	5,500.00-	0.00	0.00
.00 5-530-5528-00	9/30/2012	Travel & Training R&E	6.00	2,000.00	5,200.00	7,206.00	0.67
.00 5-530-5560-07	9/30/2012	App SW - Incode Maint. Contrac	2,074.00-	4,500.00	0.00	2,426.00	0.47
.00 5-100-5520-01	9/30/2012	Freedom Rest Printing	132.00	700.00	0.00	832.00	0.00
.00 5-100-5311-02	9/30/2012	Christmas Fulshear Supplies	200.00	500.00	110.00	810.00	0.07
.00 5-180-5235-00	9/30/2012	Employee Health Benefit	290.00	7,428.00	0.00	7,718.00	1.46
.00 5-180-5311-00	9/30/2012	Supplies-CommDev	3.00	759.00	0.00	758.00	0.54
.00 5-180-5380-00	9/30/2012	Public Relations	538.00	2,000.00	0.00	2,538.00	0.79
.00 5-180-5434-00	9/30/2012	Telecom = eco dar	193.00	1,500.00	500.00-	1,193.00	0.33

PROJECT: 00014-11/12 AMENDMENT 2
 BUDGET CODE: CB-Current Budget

UND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	RETROIC ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
00 5-500-5433-00	9/30/2012	Grant - Emerg. Op Center Exp	15,052.00-	15,052.00	0.00	0.00	0.00
00 5-580-5650-00	9/30/2012	Equipment - City Hall	15,052.00	0.00	0.00	15,052.00	1,045.42
00 5-140-5211-00	9/30/2012	Wages	451.00	31,824.00	0.00	32,275.00	0.87
00 5-140-5235-00	9/30/2012	Employers Health Benefits	290.00	7,428.00	0.00	7,718.00	1.44
00 5-140-5527-00	9/30/2012	Dues/Memberships	215.00	50.00	0.00	265.00	0.00
00 5-000-5421-00	9/30/2012	Insurance Real & Pers Property	158.00	3,500.00	500.00-	3,458.00	0.31
00 5-000-5421-05	9/30/2012	Insurance - Bond	203.00	500.00	0.00	703.00	0.00
00 5-000-5430-00	9/30/2012	Telecommunications Heb	650.00	6,400.00	0.00	7,060.00	0.44
00 5-000-5434-00	9/30/2012	Telecommunications	1,191.00	2,500.00	0.00	3,691.00	0.50
00 5-000-5600-00	9/30/2012	Capital - Equipment	651.00	30,000.00	13,000.00-	17,051.00	300.79
00 5-210-5210-00	9/30/2012	Salaries-PD	1,201.00	50,000.00	0.00	51,201.00	0.90
00 5-210-5239-00	9/30/2012	Workers Compensation	767.00	4,545.20	0.00	5,312.20	0.69
00 5-210-5240-00	9/30/2012	Unemployment	205.00	1,140.00	0.00	1,345.00	0.52
00 5-210-5263-01	9/30/2012	Auto- Maintenance	1,131.00	7,500.00	0.00	8,681.00	0.04
00 5-210-5421-02	9/30/2012	Auto Liability (PD)	189.00	1,801.00	500.00	2,490.00	0.33
00 5-210-5434-00	9/30/2012	Telecommunications-PD	1,350.00	4,350.00	850.00	6,550.00	0.06
00 5-210-5650-01	9/30/2012	Capital - Technology	21,896.00	0.00	0.00	21,896.00	0.00

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000056							
100 5-510-5235-00	9/30/2012	Employee Health Benefits	290.00	7,428.00	0.00	7,718.00	1.45
100 5-510-5279-00	9/30/2012	Workers Compensation	26.00	2,801.80	0.00	2,887.80	0.44
.00 5-510-5311-00	9/30/2012	Supplies - Maintenance	1,416.00	2,500.00	0.00	3,916.00	0.31
.00 5-510-5469-00	9/30/2012	Equipment Rental	5,527.00	10,000.00	0.00	4,473.00	3,648.00
.00 5-410-5311-00	9/30/2012	Supplies - Street Repair	7,800.00	15,000.00	0.00	7,200.00	62.20
.00 5-410-5350-00	9/30/2012	Maintenance Streets	2,305.00	2,500.00	10,000.00	14,805.00	0.00
.00 5-410-5432-00	9/30/2012	Electricity - Street Lights	1,360.00	70,000.00	0.00	71,360.00	0.35
TOTAL NO. ADJUSTMENTS--REVENUE:			38	1,263,899.00			
TOTAL NO. ADJUSTMENTS--EXPENSE:			105	365,253.28			
TOTAL IN PACKET--						1,530,192.28	

TOTAL WARNINGS: 2

*** NO ERRORS ***

*** END OF REPORT ***

Account Number	Description	Amount	Percentage	Net Change	Amendment
100	Refund Revenue	\$200.00	0.00%	(\$200.00)	(\$200.00)
100	NSF - Return Check Fees	\$5.00	500.00%	\$25.00	
100	Engineering - Plat Review	\$6,100.00	66.09%	(\$2,068.78)	
100	Plan Review	\$170,850.00	147.33%	\$80,861.56	\$80,000.00
100	Subdivision - Plat Fees	\$15,300.00	66.31%	(\$5,153.90)	(\$5,000.00)
100	Subdivision - Public Improvement Dev. Fee	\$71,700.00	103.58%	\$2,563.28	
100	Comm. Plat Fees	\$1,000.00	72.29%	(\$277.06)	
100	Administration Fees Economic Dev. Corps.	\$2,500.00	150.83%	\$1,270.78	
100	Administration Fee for Solid Waste Collection	\$26,316.00	109.30%	\$2,447.29	
100	Recycling Revenue	\$0.00	#DIV/0!	\$0.00	

Account Number	Description	Amount	Percentage	Net Change	Amendment
100	Court Fines & Forfeitures	\$10,000.00	190.70%	\$9,069.84	\$8,000.00
100	Court Fees	\$45,000.00	91.74%	(\$3,716.61)	(\$3,700.00)
100	Court Deferred Dispositions	\$4,600.00	196.93%	\$4,459.00	\$4,000.00
100	Court Time Payment Fees	\$200.00	-11.78%	(\$223.55)	(\$200.00)
100	Court - City Justice Fee	\$10.00	55.60%	(\$4.44)	

Account Number	Description	Amount	Percentage	Net Change	Amendment
100	Interest - Money Market Accounts	\$1,215.00	261.05%	\$1,956.75	
100	Interest - CD's	\$5,000.00	57.85%	(\$2,107.72)	(\$2,000.00)
100	Interest - MBIA General Investments	\$5.00	19105.80%	\$950.29	
100	Interest - MBIA Property Tax Fund	\$80.00	897.31%	\$637.85	

Account Number	Description	Amount	Percentage	Net Change	Amendment
100	Candidate Filing Fees	\$100.00	125.00%	\$25.00	
100	Legal Development Reimbursement	\$0.00	0.00%	\$592.00	
100	Suspense - Bank Corrections	\$0.00		(\$3,413.95)	
100	Transfer in from Reserves	\$0.00		\$0.00	

100	Sale of Assets	\$1,500.00	\$375.00	25.00%	(\$1,125.00)	
100	Miscellaneous Income	\$1,200.00	\$3,281.06	273.42%	\$2,081.06	
100	Loan Proceeds	\$0.00	\$23,134.00			
100	Cash Long-Short	\$100.00	\$0.00	-115.04%	(\$100.00)	
100	Police Department Report Revenues	\$60.00	\$234.00	390.00%	\$174.00	
100	Development Corp Reimbursements	\$3,600.00	\$259.60		(\$3,340.40)	
100	Community Development - Booth Fees	\$2,500.00	\$3,502.50	140.10%	\$1,002.50	
100	Community Development - Sponsor Contribut	\$20,000.00	\$250.00	1.25%	(\$19,750.00)	(\$19,000.00)
100	Community Development - Pageant Registrat	\$1,000.00	\$0.00	0.00%	(\$1,000.00)	(\$1,000.00)
	Community Development - BeautifFulshear	\$1,000.00	\$1,750.00	0.00%	\$750.00	
	Community Center - FB Seniors	\$750.00	\$1,200.35	160.05%	\$450.35	
100	Community Center - Rental	\$2,000.00	\$3,560.00	178.00%	\$1,560.00	
100	Community Center - Security	\$50.00	\$0.00	0.00%	(\$50.00)	
100	Community Center - Supervisor	\$200.00	\$160.00	80.00%	(\$40.00)	
100	Community Center - Cleaning	\$200.00	\$300.00	150.00%	\$100.00	
	Total Other Revenue	\$4,200.00	\$35,302.50	103.08%	(\$19,570.79)	(\$19,000.00)

Account Number	Description	Amount	Percentage	Amount	Percentage	Amount	Percentage	Amount	Percentage
100	Personnel - Wages and Salaries Regular	\$165,079.86		\$165,079.98		100.00%		(\$0.12)	\$2.00
100	Personnel - Wages and Salaries Intern	\$4,200.00		\$3,775.00		89.88%		\$425.00	\$0.00
100	Personnel - Mayoral Compensation	\$4,800.00		\$5,200.00		108.33%		(\$400.00)	\$400.00
100	Personnel - Social Security Expense	\$13,123.84		\$12,012.47		91.53%		\$1,111.37	\$0.00
100	Personnel - Retirement	\$3,355.25		\$3,141.03		93.62%		\$214.22	\$0.00
100	Personnel - Health Insurance	\$22,284.00		\$23,149.62		103.88%		(\$865.62)	\$870.00
100	Personnel - Worker's Compensation	\$697.00		\$398.67		57.20%		\$298.33	\$0.00
100	Personnel - Unemployment	\$570.00		\$0.00		0.00%		\$570.00	\$0.00
100	Personnel - Uniforms	\$200.00		\$200.00		0.00%		\$0.00	\$0.00
100	Personnel - Allocated Overhead	(\$56,709.35)		(\$45,593.00)		80.40%		(\$11,116.35)	\$0.00
100	Supplies	\$6,500.00		\$7,851.85		120.80%		(\$1,351.85)	\$1,450.00
100	Publications/ Reference Material	\$1,150.00		\$722.20		62.80%		\$427.80	\$50.00
100	Postage	\$0.00		\$0.00		0.00%		\$0.00	\$0.00
100	Furniture & Fixtures	\$910.00		\$908.70		99.86%		\$1.30	\$0.00
100	Codification	\$12,500.00		\$0.00		0.00%		\$12,500.00	(\$12,500.00)
100	Commemoratives	\$100.00		\$0.00		0.00%		\$100.00	\$0.00
100	Auto Expense	\$1,750.00		\$335.17		19.15%		\$1,414.83	\$0.00
100	Public Relations	\$2,000.00		\$834.21		41.71%		\$1,165.79	\$0.00
100	Notices - Public	\$2,000.00		\$3,853.48		192.67%		(\$1,853.48)	\$1,855.00
100	County Recording Fees	\$500.00		\$0.00		0.00%		\$500.00	\$0.00
100	Open Records Requests Expenditure	\$200.00		\$0.00		0.00%		\$200.00	\$0.00
100	Meeting Expense	\$4,500.00		\$2,159.43		47.99%		\$2,340.57	(\$2,000.00)
100	Professional Services - Accounting	\$15,500.00		\$12,862.85		82.99%		\$2,637.15	(\$2,600.00)
100	Professional Services - Legal	\$110,000.00		\$129,845.90		118.04%		(\$19,845.90)	\$19,900.00
100	Professional Services - Legal LCISD	\$1,500.00		\$2,022.04		0.00%		(\$522.04)	\$525.00
100	Professional Services - Legal Development	\$10,000.00		\$16,860.42		57870.00%		(\$6,860.42)	\$6,875.00
100	Professional Services - Information Technology	\$3,700.00		\$3,484.58		94.18%		\$215.42	\$95.00
100	Professional Services - Comprehensive Planning	\$67,000.00		\$17,224.81		25.71%		\$49,775.19	(\$49,775.00)
100	Telecommunications	\$1,500.00		\$1,202.44		80.16%		\$297.56	\$0.00

100	Equipment Rental	\$4,800.00	\$2,735.77		0.00%	\$2,064.23	\$0.00
100	Advertising	\$300.00	\$185.00		61.67%	\$115.00	\$0.00
100	Printing	\$650.00	\$392.85		60.44%	\$257.15	\$0.00
100	Dues & Memberships	\$2,450.00	\$1,605.50		65.53%	\$844.50	\$0.00
100	Travel & Training	\$11,775.00	\$8,545.18		72.57%	\$3,229.82	(\$2,100.00)
100	Bank Charges - Finance	\$250.00	\$110.00		44.00%	\$140.00	\$0.00
100	Credit Card Fees - Finance	\$50.00	\$0.00		0.00%	\$50.00	\$0.00
100	Credit Card Finance Charge	\$50.00	\$0.00		0.00%	\$50.00	\$0.00
100	Tax Penalties	\$500.00	\$0.00		0.00%	\$500.00	\$0.00
100	Elections	\$3,500.00	\$2,936.30		83.89%	\$563.70	\$0.00
100	Application Software - InCode Maintenance Co	\$6,500.00	\$2,250.00		34.62%	\$4,250.00	(\$4,250.00)
100	Miscellaneous	\$1,500.00	\$0.00		0.00%	\$1,500.00	\$0.00
Total General Administration		\$30,000.00	\$20,000.00		66.67%	\$10,000.00	\$0.00

City Administrator Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Account Number	Description	Amount	Percentage	Amount	Percentage	Amount	Percentage	Amount	Percentage
100	Personnel - Salaries	\$56,100.00	100.00%	\$56,099.94	100.00%	\$0.06			
100	Personnel - Wages	\$57,293.60	88.27%	\$50,573.84	88.27%	\$6,719.76			
100	Personnel - Overtime	\$1,000.00	7.50%	\$75.00	7.50%	\$925.00			
100	Personnel - Payroll Tax Expense	\$9,032.79	85.48%	\$7,721.57	85.48%	\$1,311.22			
100	Personnel - Retirement	\$2,386.02	82.02%	\$1,957.04	82.02%	\$428.98			
100	Personnel - Health Insurance	\$18,784.00	96.14%	\$18,058.02	96.14%	\$725.98			
100	Personnel - Worker's Compensation	\$380.00	406.48%	\$406.48	106.97%	(\$26.48)		\$27.00	
100	Personnel - Unemployment	\$570.00	0.00%	\$0.00	0.00%	\$570.00			
100	Personnel - Uniforms	\$150.00	0.00%	\$150.00	0.00%	\$3.00			
100	Personnel - Allocated Overhead	(\$27,675.02)	0.00%	(\$27,735.00)	0.00%	\$59.98			
100	Supplies	\$1,200.00	70.88%	\$850.50	70.88%	\$349.50			
100	Publications/ Reference Material	\$300.00	123.20%	\$369.60	123.20%	(\$69.60)		\$70.00	
100	Furniture & Fixtures	\$500.00	74.68%	\$373.42	74.68%	\$126.58			
100	Auto Expense - Fuel	\$3,000.00	67.32%	\$2,019.63	67.32%	\$980.37			
100	Auto Expense - Maintenance	\$2,000.00	43.01%	\$860.17	43.01%	\$1,139.83		(\$1,100.00)	
100	Equipment - Light/Repair/Supply	\$2,787.00	0.00%	\$2,786.72	0.00%	\$0.28			
100	Professional Services - Engineering	\$20,000.00	225.12%	\$45,024.00	225.12%	(\$25,024.00)		\$25,025.00	
100	Telecommunications	\$0.00	0.00%	\$0.00	0.00%	\$0.00			
100	Contractual Inspection Services	\$2,500.00	14.00%	\$350.00	14.00%	\$2,150.00		(\$2,150.00)	
100	Professional Services - Standard Maint	\$3,000.00	0.00%	\$0.00	0.00%	\$3,000.00		(\$3,000.00)	
100	Professional Services - Info Tech	\$1,250.00	56.08%	\$700.98	56.08%	\$549.02			
100	Printing	\$1,500.00	82.90%	\$1,243.53	82.90%	\$256.47			
100	Dues & Memberships	\$1,000.00	61.10%	\$611.00	61.10%	\$389.00			
100	Travel & Training	\$7,200.00	100.07%	\$7,205.33	100.07%	(\$5.33)		\$6.00	
100	Application Software - Maintenance Con	\$4,500.00	53.90%	\$2,425.53	53.90%	\$2,074.47		(\$2,074.00)	
100	Miscellaneous	\$0.00	0.00%	\$0.00	0.00%	\$0.00			
100	Capital Outlay - Equipment	\$0.00	0.00%	\$0.00	0.00%	\$0.00		\$0.00	

Department Head Signature: _____ Date: _____

Account Number	Description	Amount	Percentage	Amount	Percentage	Amount	Percentage
100	Freedom Fest Supplies	\$500.00	0.00%	\$353.00	0.00%	\$147.00	
100	Freedom Fest Advertising	\$1,000.00	0.00%	\$0.00	0.00%	\$1,000.00	
100	Prof. Services - Freedom Fest	\$8,000.00	62.50%	\$5,000.00	62.50%	\$3,000.00	
100	Equip. Rental - Freedom Fest	\$4,000.00	85.00%	\$3,400.00	85.00%	\$600.00	
100	Freedom Fest - Printing	\$700.00	118.86%	\$832.00	118.86%	(\$132.00)	\$132.00
100	Christmas Fulshear Supplies	\$610.00	132.78%	\$809.93	132.78%	(\$199.93)	\$200.00
100	Christmas Advertising	\$646.00	100.00%	\$646.00	100.00%	\$0.00	
100	Christmas Fulshear - Printing	\$0.00	#DIV/0!	\$0.00	#DIV/0!	\$0.00	
100	Prof. Services - Christmas Fulshear	\$3,792.00	99.98%	\$3,791.17	99.98%	\$0.83	
100	Equip. Rental - Christmas Fulshear	\$3,243.00	99.98%	\$3,242.50	99.98%	\$0.50	
100	St. Patty's Day Supplies	\$500.00	59.75%	\$298.73	59.75%	\$201.27	
100	St. Patty's Day Advertising	\$324.00	100.00%	\$324.00	100.00%	\$0.00	
100	Prof. Services - St. Patty's Day	\$2,200.00	100.00%	\$2,200.00	100.00%	\$0.00	
100	St. Patty's Day Printing	\$0.00	#DIV/0!	\$0.00	#DIV/0!	\$0.00	
100	Beauti-Fulshear Supplies	\$500.00	0.00%	\$0.00	0.00%	\$500.00	
100	Beauti-Fulshear Advertising	\$1,000.00	56.95%	\$569.53	56.95%	\$430.47	
100	Prof. Services - Beauti-Fulshear	\$4,000.00	10.92%	\$436.80	10.92%	\$3,563.20	
100	Equip Rental - Beauti-Fulshear	\$500.00	0.00%	\$0.00	0.00%	\$500.00	
100	Beauti-Fulshear Printing	\$250.00	56.00%	\$140.00	56.00%	\$110.00	
100	Movie Night Advertising	\$500.00	9.00%	\$45.00	9.00%	\$455.00	
100	Prof. Services - Movie Night	\$1,000.00	0.00%	\$0.00	0.00%	\$1,000.00	
100	Equip Rental - Movie Night	\$2,500.00	0.00%	\$0.00	0.00%	\$2,500.00	
100	Spirit Awards Supplies	\$300.00	10.80%	\$32.39	10.80%	\$267.61	
100	Spirit Awards Commemoratives	\$1,500.00	78.73%	\$1,180.99	78.73%	\$319.01	
100	Miscellaneous	\$435.00	0.00%	\$0.00	0.00%	\$435.00	
100	Maintenance - Parks	\$1,000.00	18.12%	\$181.20	18.12%	\$818.80	

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Account Number	Description	Actual	Encumbrance	Percentage	Variance	Balance
100	Personnel - Salaries	\$43,280.64	\$43,280.64	100.00%	0.00	
100	Personnel - Payroll Expense	\$3,440.81	\$2,957.97	85.97%	482.84	
100	Personnel - Retirement	\$879.68	\$823.47	93.61%	56.21	
100	Personnel - Health Insurance	\$7,428.00	\$7,716.54	103.88%	(288.54)	290.00
100	Personnel - Worker's Compensation	\$185.00	\$91.12	49.25%	93.88	
100	Personnel - Unemployment	\$190.00	\$0.00	0.00%	190.00	
100	Personnel - Uniforms	\$50.00	\$50.00	100.00%	0.00	
	Subtotal Personnel					
	Total Personnel					
100	Supplies	\$750.00	\$757.46	100.99%	(7.46)	8.00
100	Event Supplies	\$0.00	\$0.00	0.00%	0.00	
100	Publication/Ref Material	\$2,000.00	\$0.00	0.00%	2,000.00	
100	Postage	\$0.00	\$0.00	0.00%	0.00	
100	Furniture/Fixtures	\$910.00	\$908.70	0.00%	1.30	
100	Commemoratives	\$0.00	\$0.00	0.00%	0.00	
100	Maintenance - City Cleanup	\$0.00	\$0.00	0.00%	0.00	
100	Auto Expense	\$500.00	\$470.28	94.06%	29.72	
100	Public Relations	\$2,000.00	\$2,537.21	126.86%	(537.21)	538.00
100	Meeting Expenses	\$1,000.00	\$895.94	89.59%	104.06	
100	Telecommunications	\$1,000.00	\$1,192.67	119.27%	(192.67)	193.00
100	Professional Services - Information Techno	\$1,800.00	\$1,652.08	91.78%	147.92	
100	Bank Charges	\$20.00	\$0.00	0.00%	20.00	
100	Advertising	\$0.00	\$0.00	0.00%	0.00	
100	Printing	\$300.00	\$87.33	29.11%	212.67	
100	Dues & Memberships	\$450.00	\$290.00	0.00%	160.00	
100	Travel & Training	\$2,500.00	\$2,299.94	0.00%	200.06	
100	Miscellaneous	\$500.00	\$0.00	0.00%	500.00	
100		\$0.00	\$0.00	0.00%	0.00	
	Subtotal General Fund					
	Total Community Development					

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Item	Expenditures - General Facilities	General Fund	08/30/2011	08/30/2011	08/30/2011	08/30/2011	08/30/2011
	Non-Personnel						
100	Community Center - Supervisor	\$500.00	\$265.00	53.00%	\$235.00		
100	Cleaning	\$7,700.00	\$7,513.00	97.57%	\$1,987.00		
100	Supplies	\$250.00	\$152.49	61.00%	\$97.51		
100	Furniture & Fixtures	\$400.00	\$399.13	0.00%	\$0.87		
100	Equip - Light/Repair/Supplies	\$4,750.00	\$1,750.00	36.84%	\$4,750.00		
100	Electricity	\$16,700.00	\$12,523.39	74.99%	\$8,321.44		
100	Insurance - Real/Personal Property	\$1,056.00	\$0.00	0.00%	\$1,056.00		
100	Community Center Phone	\$750.00	\$585.03	78.00%	\$290.12		
100	Building Security	\$1,500.00	\$659.88	43.99%	\$1,500.00		
100	Equipment Rental	\$300.00	\$0.00	0.00%	\$300.00		
100	Maintenance	\$4,300.00	\$2,687.00	62.49%	\$2,493.00		
	Emergency Operations Center - Grant Project	\$15,052.00	\$0.00	0.00%	\$15,052.00	(\$15,052.00)	
	HMGF Generator Project	\$34,598.00	\$34,598.00	100.00%	\$0.00		
	Emergency Operations Center - Supplies	\$3,500.00	\$0.00	0.00%	\$3,500.00		
	Sub-Total Non-Personnel	\$57,456.00	\$44,461.92	77.38%	\$42,982.44		
100	Capital Outlay - Equipment	\$0.00	\$14,006.58	0.00%	(\$14,006.58)	\$15,052.00	
	Sub-Total Capital Outlay	\$0.00	\$14,006.58		(\$14,006.58)	\$15,052.00	
	Sub-Total	\$57,456.00	\$58,468.50		\$28,975.86	\$30,104.00	

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Item	Expenditure - General Fund - Municipal	Expenditure - Vendor Budget	Expenditure - Other Budget	Expenditure - Total Budget	Percentage	Net Change	Total Budget
100 Personnel - Wages and Salaries Regular	\$31,824.00	\$32,274.13		\$64,098.13	101.41%	(\$450.13)	\$64,098.13
100 Personnel - Overtime	\$1,000.00	\$0.00		\$1,000.00	0.00%	\$1,000.00	\$1,000.00
100 Personnel - Payroll Expense	\$2,530.01	\$2,308.46		\$4,838.47	91.24%	\$221.55	\$4,838.47
100 Personnel - Retirement	\$646.82	\$618.38		\$1,265.20	95.60%	\$28.44	\$1,265.20
100 Personnel - Health Insurance	\$7,428.00	\$7,716.54		\$15,144.54	103.88%	(\$288.54)	\$15,144.54
100 Personnel - Worker's Compensation	\$185.00	\$133.16		\$318.16	71.98%	\$51.84	\$318.16
100 Personnel - Unemployment	\$190.00	\$0.00		\$190.00	0.00%	\$190.00	\$190.00
100 Personnel - Uniform	\$50.00	\$0.00		\$50.00	0.00%	\$50.00	\$50.00
Total Personnel	\$45,248.83	\$45,030.69		\$90,279.52	99.54%	\$248.83	\$90,279.52
100 Supplies	\$750.00	\$588.05		\$1,338.05	78.41%	\$161.95	\$1,338.05
100 Publications/ Reference Material	\$200.00	\$0.00		\$200.00	0.00%	\$200.00	\$200.00
100 Postage	\$0.00	\$0.00		\$0.00	0.00%	\$0.00	\$0.00
100 Furniture & Fixtures	\$500.00	\$0.00		\$500.00	0.00%	\$500.00	\$500.00
100 Equip Light Repair/Supplies	\$500.00	\$99.99		\$599.99	0.00%	\$400.01	\$599.99
100 Professional Services - Judges Compensation	\$7,500.00	\$6,250.00		\$13,750.00	83.33%	\$1,250.00	\$13,750.00
100 Professional Services - Court Administrator	\$6,000.00	\$5,500.00		\$11,500.00	91.67%	\$500.00	\$11,500.00
100 Professional Services - Prosecutor	\$4,000.00	\$3,687.25		\$7,687.25	92.18%	\$312.75	\$7,687.25
100 Professional Services - Interpreter	\$500.00	\$0.00		\$500.00	0.00%	\$500.00	\$500.00
100 Juror Fees	\$750.00	\$0.00		\$750.00	0.00%	\$750.00	\$750.00
100 Professional Services - Information Technol	\$450.00	\$166.25		\$616.25	36.94%	\$283.75	\$616.25
100 Printing	\$200.00	\$0.00		\$200.00	0.00%	\$200.00	\$200.00
100 Dues & Memberships	\$50.00	\$265.00		\$315.00	0.00%	(\$215.00)	\$315.00
100 Travel & Training	\$1,800.00	\$1,526.64		\$3,326.64	84.81%	\$273.36	\$3,326.64
100 Application Software Maintenance	\$4,500.00	\$2,377.54		\$6,877.54	52.83%	\$2,122.46	\$6,877.54
100 Miscellaneous	\$500.00	\$0.00		\$500.00	0.00%	\$500.00	\$500.00
100 Capital Outlay - Equipment	\$0.00	\$0.00		\$0.00	0.00%	\$0.00	\$0.00
100 Capital Outlay - Technology	\$0.00	\$0.00		\$0.00	0.00%	\$0.00	\$0.00
Total Municipal Court	\$90,248.83	\$89,790.69		\$179,039.52	99.54%	\$248.83	\$179,039.52

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Account Code	Account Description	Original Budget	Amended Budget	Actual Budget	Actual %	Actual Amount	Actual %
5-000-5311-	Supplies	\$2,000.00	\$560.00		28.00%	\$1,440.00	
5-000-5315-	Postage	\$2,000.00	\$1,916.36		95.82%	\$83.64	
	Contingency	\$20,100.00	\$35.00		0.00%	\$20,065.00	
5-000-5381-	COF Business Enterprise Funding	\$65,718.56	\$0.00		0.00%	\$65,718.56	
5-000-5381-	CCR Business Enterprise Funding	\$0.00	\$0.00		0.00%	\$0.00	
	Capital Projects Funding	\$275,000.00	\$275,000.00		0.00%	\$0.00	
5-000-5381-	FCC Ad Valorem Rebate	\$17,628.93	\$15,695.83		89.03%	\$1,933.10	
5-000-5381-	CCR Ad Valorem Rebate	\$146,677.82	\$143,504.80		97.84%	\$3,173.02	
5-000-5414-	Prof. Services - Consulting	\$30,000.00	\$3,388.06		11.29%	\$26,611.94	
5-000-5421-	Insurance - Real & Personal Property	\$3,000.00	\$3,457.69		115.26%	(\$457.69)	\$458.00
5-000-5421-	Insurance - General Liability	\$3,000.00	\$2,888.00		96.27%	\$112.00	
5-000-5421-	Insurance - Auto Liability	\$2,000.00	\$1,179.57		58.98%	\$820.43	
	Insurance - W/C Contribution	\$996.00	\$706.50		70.93%	\$289.50	
5-000-5421-	Insurance - Errors & Omissions	\$3,000.00	\$2,354.00		78.47%	\$646.00	
5-000-5421-	Insurance - Bonds	\$500.00	\$703.00		140.60%	(\$203.00)	\$203.00
5-000-5426-	Tax Collector Assessor Fees	\$4,000.00	\$2,534.25		63.36%	\$1,465.75	
5-000-5430-	Telecommunications Web	\$6,400.00	\$7,059.56		110.31%	(\$659.56)	\$660.00
5-000-5434-	Telecommunications	\$2,500.00	\$3,690.50		147.62%	(\$1,190.50)	\$1,191.00
5-000-5461-	Contract Services / Labor	\$2,000.00	\$0.00		0.00%	\$2,000.00	
	Prof. Services - Info Tech	\$12,500.00	\$14,118.29		112.95%	\$0.00	
5-000-5468-	Railroad Pipeline Rental	\$450.00	\$435.83		96.85%	\$14.17	
5-000-5469-	Rental - City Storage	\$3,600.00	\$3,600.00		100.00%	\$0.00	
	Merit Incentives for Staff	\$0.00	\$0.00		0.00%	\$0.00	
5-000-5561-	Depreciation Expenses	\$0.00	\$0.00		0.00%	\$0.00	
5-000-5600-	Capital Outlay - Equipment	\$17,000.00	\$17,650.21		0.00%	(\$650.21)	\$651.00
5-000-5600-	Capital Outlay - Other Improvements	\$0.00	\$0.00		0.00%	\$0.00	
5-000-5600-	Capital Outlay - Holiday Decorations	\$0.00	\$0.00		0.00%	\$0.00	
	Total Non-Departmental						

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

100	Personnel - Salaries	\$60,000.00	\$61,200.10	102.00%	(\$1,200.10)	\$1,201.00
100	Personnel - Wages	\$194,945.12	\$182,215.94	93.47%	\$12,729.18	
100	Personnel - Overtime	\$5,000.00	\$1,314.23	26.28%	\$3,685.77	
100	Personnel - Payroll Expense	\$20,268.14	\$17,697.89	87.32%	\$2,570.25	
100	Personnel - Retirement	\$5,181.76	\$4,328.93	83.54%	\$852.83	
100	Personnel - Health Insurance	\$37,140.00	\$35,435.76	95.41%	\$1,704.24	
100	Personnel - Worker's Compensat	\$4,545.20	\$5,311.51	116.86%	(\$766.31)	\$767.00
100	Personnel - Unemployment	\$1,140.00	\$1,344.48	0.00%	(\$204.48)	\$205.00
100	Personnel - Uniforms	\$8,188.00	\$7,356.78	89.85%	\$831.22	
100	Supplies - Office	\$2,000.00	\$1,639.49	81.97%	\$360.51	
100	Supplies - Police Duty	\$4,500.00	\$4,421.75	98.26%	\$78.25	
100	Publications/ Reference Material	\$200.00	\$0.00	0.00%	\$200.00	
100	Furniture & Fixtures	\$700.00	\$0.00	0.00%	\$700.00	
100	Auto - Fuel	\$23,760.00	\$22,716.52	95.61%	\$1,043.48	
100	Auto - Maintenance	\$7,500.00	\$8,680.92	115.75%	(\$1,180.92)	\$1,181.00
100	Equipment - Light/Repair/Supply	\$5,075.00	\$3,699.00	0.00%	\$1,376.00	
100	Public Relations	\$250.00	\$100.62	40.25%	\$149.38	
100	Contingency	\$7,275.00	\$450.00	6.19%	\$6,825.00	
100	Child Safety Expense	\$0.00	\$0.00	0.00%	\$0.00	
100	Law Enforcement Liability	\$3,500.00	\$3,286.00	93.89%	\$214.00	
100	Auto Liability	\$2,301.00	\$2,489.67	108.20%	(\$188.67)	\$189.00
100	Errors & Omissions	\$600.00	\$550.00	91.67%	\$50.00	
100	Telecommunications	\$5,200.00	\$6,549.94	125.96%	(\$1,349.94)	\$1,350.00
100	Professional Services - Info Tech	\$2,500.00	\$1,597.99	63.92%	\$902.01	
100	Drug/ Psych Testing	\$550.00	\$545.00	99.09%	\$5.00	
100	Equipment Rental	\$1,800.00	\$0.00	0.00%	\$1,800.00	
100	Rental - Evidence Storage	\$1,490.00	\$1,490.00	100.00%	\$0.00	
100	Printing	\$1,400.00	\$1,122.80	0.00%	\$277.20	
100	Dues & Memberships	\$1,700.00	\$475.00	0.00%	\$1,225.00	
100	Travel & Training	\$5,000.00	\$4,732.60	94.65%	\$267.40	
100	Capital Outlay - Equipment	\$43,141.00	\$43,134.14	0.00%	\$6.86	
100	Capital Outlay - Technology	\$0.00	\$21,896.00	0.00%	(\$21,896.00)	\$21,896.00

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Item	Description	Original Budget	Current Budget	% Change	Original %	Current %	Change	Balance
100	Personnel - Salaries Regular	\$37,536.00	\$37,340.16	99.48%	195.84			
100	Personnel - Wages	\$51,714.00	\$49,181.34	95.10%	2,532.66			
100	Personnel - Payroll Expense	\$7,095.38	\$6,176.95	87.06%	918.43			
100	Personnel - Retirement	\$1,589.77	\$1,510.59	95.02%	79.18			
100	Personnel - Health Insurance	\$7,428.00	\$7,716.54	103.88%	(288.54)			290.00
100	Personnel - Worker's Compensation	\$2,801.80	\$2,887.36	103.05%	(85.56)			86.00
100	Personnel - Unemployment	\$760.00	\$0.00	0.00%	760.00			
100	Personnel - Uniforms	\$2,000.00	\$1,976.94	0.00%	23.06			
100	Personnel - Allocated Overhead	(\$13,490.71)	\$0.00	0.00%	(\$13,490.71)			
100	Supplies	\$2,500.00	\$3,915.69	156.63%	(1,415.69)			1,416.00
100	Publications/ Reference Material	\$1,000.00	\$0.00	0.00%	1,000.00			
100	Furniture & Fixtures	\$0.00	\$0.00	0.00%	0.00			
100	Auto/Tractor - Fuel	\$16,500.00	\$12,686.90	76.89%	3,813.10			
100	Auto/Tractor - Maintenance	\$6,000.00	\$3,278.91	54.65%	2,721.09			
100	Equipment - Light Repair/Supplies	\$5,000.00	\$3,835.78	76.72%	1,164.22			
100	Equipment Rental	\$10,000.00	\$825.00	8.25%	9,175.00			(5,527.00)
100	Dues & Memberships	\$500.00	\$170.00	0.00%	330.00			
100	Travel & Training	\$6,000.00	\$324.75	0.00%	5,675.25			
100	Miscellaneous	\$0.00	\$0.00	0.00%	0.00			
100	Capital Outlay - Equipment	\$10,000.00	\$0.00	0.00%	0.00			0.00

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Account Number	Description	Original Budget	Amended Budget	Actuals	Percent	Total Variance	Balance Forward
5410-5311-1	Supplies - Street Repair	\$15,000.00	\$7,137.80	47.59%	\$7,862.20	(\$7,800.00)	
5410-5311-1	Supplies - Signage	\$1,200.00	\$926.66	77.22%	\$273.34		
5410-5350-1	Street Maintenance	\$12,500.00	\$14,805.00	118.44%	(\$2,305.00)	\$2,305.00	
5410-5432-1	Electricity - Street Lights	\$70,000.00	\$71,359.65	101.94%	(\$1,359.65)	\$1,360.00	
	Capital Outlay - Streets	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	
	Total City Streets	\$98,700.00	\$94,228.51	95.47%	\$4,471.49	\$4,625.00	\$0.00

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

FUND CODE	DEPARTMENT / SERVICE	General Fund		Percentage	Original Budget	Actual
		Original Budget	Actual			
5700-5710-	Equipment Lease/Purchase-Copiers	\$4,100.00	\$3,394.58	82.79%	\$705.42	
5700-5710-	Equipment Lease/Purchase - Tractor	\$36,000.00	\$35,803.10	99.45%	\$196.90	
5700-5710-	Ticket Writer Financing	\$12,000.00	\$8,687.04	0.00%	\$3,312.96	
5700-5710-	Equipment Lease - Interest	\$3,200.00	\$0.00	0.00%	\$3,200.00	

Department Head Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

City of Fulshear
Police Restricted Fund
FY 11/12 Amendment 1

Code	Revenue Source	Amount	Original Budget	Current Budget	Change	Balance	Notes
45009	Child Safety Revenue	\$ 1,200.00	\$ 1,271.26	\$ (71.26)			
45010	Special Donations	\$ -	\$ 5,140.00	\$ (5,140.00)		\$5,140.00	
46156	Interest - Child Safety	\$ 5.00	\$ 11.57	\$ (6.57)			
	Subtotal Revenue	\$ 1,205.00	\$ 6,422.83	\$ (5,005.83)		\$1,416.00	
	Expenses						
5-000-5381-00	Other Expenses	\$ -	\$ 2,500.00	\$ (2,500.00)		\$ 2,500.00	graphics & paint from donation for new cars last year
5-000-5381-02	Child Safety Expenses	\$ -	\$ 3,389.08	\$ (3,389.08)		\$ 3,390.00	supplies for national night out
5-000-5600-00	Capital - Equipment	\$ -	\$ -	\$ -		\$ -	
5-000-5600-01	Capital - Technology	\$ -	\$ -	\$ -		\$ -	
	Subtotal Expenses	\$ -	\$ 5,889.08	\$ (5,889.08)		\$ 5,889.08	
	Agency Available Budget	\$ 1,205.00	\$ 583.75	\$ 621.25		\$ 621.25	

Mayor Signature: _____ Date: _____

City Administrator Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Chief of Police Signature: _____ Date: _____

City of Fulshear
Fulshear Business Enterprise
FY 11/12 Amendment 1

	\$268,340.52	\$333,178.88	124.16%	\$64,838.36	\$66,282.00
	\$265,450.56	\$256,201.22	96.52%	(\$9,249.34)	\$0.00
	\$2,188.96	\$27,977.66			

Mayor Signature: _____ Date: _____

City Administrator Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Overall Totals

City of Fulshear
 Cross Creek Ranch Enterprise
 FY 11/12 Amendment 1

	2011-2012 Approved Budget	2011-2012 Actual	%	2011-2012 Variance	2011-2012 Balance
Revenues	\$668,602.23	\$1,278,396.05	191.20%	\$609,793.82	\$607,445.00
Expenditures	\$606,612.24	\$925,908.81	152.64%	\$319,296.57	\$358,175.00

Mayor Signature: _____ Date: _____

City Administrator Signature: _____ Date: _____

Finance Officer Signature: _____ Date: _____

Account Number	Account Description	Actual	Amended	Total	Actual %	Amended %	Total %
550	5-000-5324-00 Chemicals	3,200.00		4,285.10	133.91%	1,085.10	1,100.00
550	5-000-5381-00 Miscellaneous Supplies	200.00		104.00	52.00%	-96.00	0.00
550	5-000-5405-00 Administrative Fee	58,662.24		58,662.00	100.00%	-0.24	0.00
550	5-000-5411-00 Professional Services - Legal	7,500.00		15,773.13	0.00%	8,273.13	8,275.00
550	5-000-5412-00 Professional Services - Comp Plan	8,000.00		0.00	0.00%	-8,000.00	-8,000.00
550	5-000-5413-00 Professional Services - Engineering	5,000.00		2,437.48	48.75%	-2,562.52	-2,562.00
550	5-000-5421-00 TML Property Insurance	8,500.00		6,755.62	79.48%	-1,744.38	-1,700.00
550	5-000-5431-01 Electricity - Water Plant	40,000.00		44,731.99	111.83%	4,731.99	4,732.00
550	5-000-5431-02 Electricity - Lift Station	10,000.00		13,231.84	132.32%	3,231.84	3,232.00
550	5-000-5431-03 Electricity - Sewer Plant	25,000.00		28,322.76	113.29%	3,322.76	3,323.00
550	5-000-5434-01 Telecommunications - Alarm Phone	3,000.00		2,909.66	96.99%	-90.34	0.00
550	5-000-5461-01 Contract - Solid Waste Collection	0.00		960.00	800.00%	960.00	960.00
550	5-000-5461-08 Contract - Sludge Hauling	14,000.00		13,901.90	99.30%	-98.10	0.00
550	5-000-5465-00 NFBWA Water Pumpage Fee	132,000.00		244,787.70	185.45%	112,787.70	112,800.00
550	5-000-5466-00 Lab Testing	15,000.00		5,988.00	39.92%	-9,012.00	-9,000.00
550	5-000-5475-00 Bank Charges	50.00		313.00	626.00%	263.00	265.00
550	5-000-5510-01 Contract - Water/Sewer Base	55,000.00		94,072.85	171.04%	39,072.85	40,000.00
550	5-000-5510-02 Contract - Water/ Sewer Admin.	18,000.00		24,782.59	137.68%	6,782.59	7,000.00
550	5-000-5510-03 Contract - Water/ Sewer Reg. Fees	1,000.00		0.00	0.00%	-1,000.00	-1,000.00
550	5-000-5510-04 Contract - Water/ Sewer Maint.	100,000.00		179,947.02	179.95%	79,947.02	100,000.00
550	5-000-5510-06 Contract - Water/ Sewer Tapping	100,000.00		182,692.17	182.69%	82,692.17	100,000.00
550	5-000-5515-00 TCEQ Permits	2,000.00		1,250.00	0.00%	-750.00	-750.00
550	5-000-5515-01 TCEQ Fines	500.00		0.00	0.00%	-500.00	-500.00
550	5-000-5561-00 Depreciation Expense	0.00		0.00	0.00%	0.00	0.00

ORDINANCE NO. 2012-1088
ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND
WATER AUTHORITY

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING AND ADOPTING THE REVISED GROUNDWATER REDUCTION FEE AS REQUIRED BY THE NORTH FORT BEND WATER AUTHORITY; REPEALING ALL PREVIOUS RESOLUTIONS OR ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility and conservation, it has been deemed in the best interest of the City of Fulshear, Texas to revise the fee charged for Groundwater Reduction as required by the North Fort Bend Water Authority; AND

WHEREAS, it is the desire of the City Council of the City of Fulshear to develop a fee structure that will allow the Enterprise Fund to rely on its own revenues for operations rather than requiring a subsidy from the General Fund; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that these financial goals are best attained through the fee structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to amend and adopt the revised fee for Groundwater Reduction as required by the North Fort Bend Water Authority.

SECTION 2.0

ADOPTED: The following fee reflects a revision in the charges made for Groundwater Reduction as ordered by the North Fort Bend Water Authority.

- (a) The fee charged for Groundwater Reduction shall be \$1.89 per thousand gallons pumped.

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

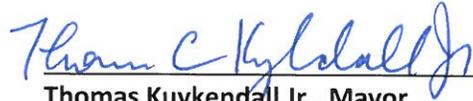
SECTION 6.0

EFFECTIVE DATE: This Ordinance shall be effective on January 1, 2013.

CITY OF FULSHEAR, ORDINANCE 2012-1088

SECTION 7.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.


Thomas Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2012-~~1089~~

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADOPTING AN ACCESS MANAGEMENT PLAN; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fulshear, Texas, ("City") finds it is in the best interest of the City to adopt an access management plan to control access points along its own roads and those roads and highways controlled by the Texas Department of Transportation; and

WHEREAS, Texas Transportation Code, Chapter 311, vests a general law city with exclusive control over the highways, streets, and alleys of the city; and

WHEREAS, A city may impose its access management plan onto roads controlled by the Texas Department of Transportation that are within the city's territorial limits and the city's extraterritorial jurisdiction; and

WHEREAS, City Council finds that the City's access management plan will protect public safety, reduce interferences with public travel, ensure organized and consistent development, protect the public's interest in its rights-of-way, and to provide for the efficient and uniform administration of the City's road rights-of-way; and

WHEREAS, The City Council finds that the rules and regulations contained in this Ordinance are in the best interests of the health, safety, and general welfare of the City;

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

Section 1. That the facts and recitations contained in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. Access Point Permit Required.

A. An Access Point Permit issued by the Texas Department of Transportation shall be provided to the City prior to any construction, reconstruction, relocation, or alteration, except routine maintenance, of an access point on a state highway or where a change in zoning classification for a property abutting a state highway occurs. Any changes or alterations to an existing culvert or to construct a new culvert requires an Access Point Permit.

B. An Access Point Permit issued by the City shall be required to be obtained prior to any construction, reconstruction, relocation, or alteration, except routine maintenance, of an access point on any non-state highway or where a change in zoning classification for a property abutting a non-state highway

occurs. Any changes or alterations to an existing culvert or to construct a new culvert requires an Access Point Permit.

Section 3. The City of Fulshear, Texas, adopts the access management plan, which is attached hereto as Exhibit "A" and incorporated herein for all purposes for all roads within the City, including any state highways, and all roads within the City's extraterritorial jurisdiction.

Section 4. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 5. 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 6. Effective date. This Ordinance shall become effective when published as required by law.

PASSED, APPROVED and ADOPTED this, the 18th day of December, 2012.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:

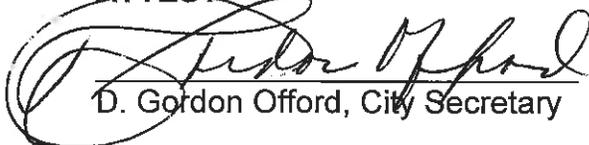

D. Gordon Offord, City Secretary

Exhibit "A"
CITY OF FULSHEAR, TEXAS
ACCESS MANAGEMENT PLAN

1. Definitions:

Access: A means of providing vehicular ingress or egress to a property from an abutting property or public road.

Access point: Any entrance, driveway, public or private street, road, highway, or alley that provides reasonable access for the movement of vehicles between the road or highway and an abutting property.

Access Point Permit: A permit issued by the Texas Department of Transportation or the City of Fulshear, Texas authorizing construction of an access point.

Applicant or Developer: The owner of land or his approved representative.

Approach: The area of the right-of-way between the traveled surface of the road or highway and the adjacent property that is intended to provide access for vehicles or equipment from the road or highway to the adjacent property.

Commercial Access: A private access serving one or more commercial, industrial, institutional, or multiple family uses; or an agricultural feedlot.

Point Spacing: The spacing between access points, which shall be measured as follows:

- 1) Spacing between two public or private street intersections along a road or public highway shall be measured from the centerline of the one intersecting street to the centerline of the next adjacent intersecting street.
- 2) Spacing between two adjacent driveways shall be measured from the nearest outside edge of the driveway under review to the nearest outside edge of the next driveway on the same side of the roadway. The separation shall be measured along the edge of the roadway at the curbline or, where no curb is present, the edge of the traveled roadway surface, based on projection of the driveway edge at the property line to the roadway curb or edgeline (See Figure 1 below).
- 3) Spacing between a driveway and a public or private street shall be measured as provided for in the definition of Corner Clearance and Figure 2.
- 4) Access will be considered in compliance with spacing requirements if it does not deviate more than 5% from the spacing standards established in this Ordinance. (See Figure 1 below).

Corner Clearance: The distance from an intersection of two public or private streets to the nearest driveway, measured from the curbline or, where there is no curbline, the closest edge of the travel way on the intersecting road, to the closest edge of the driveway, measured along the street to which access is being taken (See Figure 2). In Figure 2 dimension "A" illustrates upstream corner clearance and dimension "B" illustrates downstream corner clearance, criteria for which are found in Table 3. (See Figure 1 below).

Cross Access - A drive providing shared vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Driveway, High volume: An access point with a projected average daily traffic greater than 500 vehicles per day

Driveway, Low volume: An access point with a projected average daily traffic of 50 to 500 vehicles per day

Driveway, Minimum Use: An access point with a projected average daily traffic of less than 50 vehicles per day

Field Access: An access point to an agricultural field used primarily for the movement of farm vehicles and equipment or serving cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, and similar uses

Functional Designation: A system used to classify public roadways according to the purpose they serve in the hierarchy of roads serving vehicular travel in the City.

General Plan: A plan or concept that depicts the full development of a property in accordance with the rules and regulations of the City's Zoning Ordinance, Subdivision Ordinance, the City's Comprehensive Plan, or any other applicable ordinances or plans of the City.

Headwall: Rock, concrete, masonry, metal, timber or other similar materials placed on the sides of an approach as support, to prevent erosion, or for decorative purposes.

Joint Access (or Shared Access) - A driveway connecting two or more contiguous properties to the public street system.

Nonconforming Access: An access point built and constructed prior to the effective date of this Ordinance that does not conform with the rules and regulations contained herein.

Person: Means an individual, corporation, partnership or association, or any other legal entity.

Private Street: A roadway built to the standards established in the Subdivision Ordinance, as amended, for vehicular travel which is privately owned and maintained, providing the principal means of access to three or more abutting properties.

Public Street: A roadway under the jurisdiction of a public authority that provides the principal means of access to an abutting property.

Reasonable Access: The access necessary to provide for safe movement of vehicles to and from a public road. Reasonable access does not necessarily mean direct access to a public road must be provided; access may be provided by a service road, another public road, or a joint/shared access. Where direct access to a primary roadway is permitted, reasonably convenient and suitable access has been defined by as access to the main roadway in at least one direction of travel.

Residential Access: A private access for one or more single family detached or attached residential units, a farmstead, or farm-related structures, but not including an agricultural feedlot.

Right-of-Way: The entire width between boundary lines of any way or place under the jurisdiction of the City, County, or State when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic and is maintained by the City, County, or State intended, directly or indirectly, to be used for a street, road, or drainage facility.

Service Road - A public or private street, auxiliary to and normally located parallel to a controlled access highway that maintains local road continuity and provides access for parcels adjacent to the controlled access facility.

2. Standards for Access Points

The rules and regulations contained in the following charts shall be adhered to in Access Point configuration.

Table 1: Access Connection Guidelines

		Type of Connection Proposed		
Roadway Classification	Local Public Streets and Roads	High Volume Private Driveway or Private Street	Low Volume Private Street or Driveway or Minimum Use Drive	
LIMITED ACCESS ROADWAYS / MEDIAN CONTROLLED				
Expressway (Freeway, Tollway, etc.)	Connection for a local street is permitted if consistent with spacing for Local Streets (Table 2 below) subject to finding that a higher order road is not needed at that location. Coordinate median openings and signal spacing with City Engineer and City Planner.	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 consistent with guidelines for divided road median openings and subject to the finding that major road is not needed at the location.	Connection permitted, but shall be in locations consistent with the guidelines for divided road median openings and subject to the finding that a public road is not needed at the location.	Connection not permitted if alternative access is available if no feasible alternative exists consider approval of one access connection that will serve multiple properties through a joint/shared access to insure consistency with spacing requirements.	
LIMITED ACCESS ROADWAYS / UNDIVIDED				
Arterial	Connection for a local public street is permitted if consistent with spacing for local streets (Table 2)	Require access to lower level road, if available; otherwise one access per parcel subject to driveway spacing (Table 2) and corner clearance (Table 3) requirements. 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	

OTHER ROADWAYS

<p>Primary Collectors</p>	<p>Connection for a local public street is permitted if consistent with spacing for local streets (Table 2)</p>	<p>Access connections permitted if consistent with spacing requirements in Tables 2 and 3</p>	<p>One access per parcel is permitted subject to minimum spacing requirements in Tables 2 and 3</p>
<p>Residential Local Streets</p>	<p>Connection for a local public street is permitted if consistent with spacing for local streets (Table 2)</p>	<p>Access connections permitted if consistent with spacing requirements in Tables 2 and 3</p>	<p>On access per parcel subject to minimum property line spacing of 25 feet</p>

A. Minimum Spacing of Access Points

Table 2: Local Street and Driveway Spacing

Road Classification	Local Street Spacing (ft)	DRIVEWAY SPACING (ft)		
		Posted Speed Limit		
		< 35 MPH	35 - 45 MPH	> 45 MPH
Arterial	880	480	800	1000
Primary Collector	480	125	200	275
Residential Local Streets	330	60	NA	NA

For sites with insufficient road frontage to meet the minimum spacing requirements, consideration shall first be given to providing access with utilization of a joint or shared driveway with an adjacent property that meets the recommended spacing requirement, or development of a private road to serve multiple properties.

B. Corner Clearance Requirements

Table 3 defines the minimum corner clearance that shall be required for a proposed access point under the regulations of this ordinance. In Table 3, Column A under each speed limit ranges refers to the requirement for upstream corner clearance, the Column B refers to the requirements for downstream corner clearance.

Table 3: Corner Clearance Guideline

Road Classification	Median Area	< 35 MPH		35 - 45 MPH		> 45 MPH	
		A	B	A	B	A	B
Expressway (Freeway, Tollway, etc.)/Arterial	Divided	N/A	N/A	400	275	500	375
Arterial	Undivided	225	175	300	235	375	300
Primary Collector	Undivided	100	75	125	100	175	125
Residential Local Streets	Undivided	50	25	N/A	N/A	N/A	N/A

If the amount of lot frontage is insufficient to meet corner clearance requirements, alternative means of access (a joint or shared access point, development of a private road) should be considered to determine whether options consistent with the corner clearance guidelines can be achieved. Where this is not feasible due to parcel size or the existing adjacent development, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use or private road development.

- C. Access Points along Turn Lanes.** Irrespective of the local street and driveway spacing requirements in Table 2 and the corner clearance requirements in Table 3, access points shall not be approved within any turn lane, including taper sections, except where no other reasonable or suitable access is available.
- D. Field Access and Temporary Access Points.** An access point permit may be issued for a field access. The review shall take into account the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the adjacent roadway(s).

City may grant an Access Point permit for seasonal or limited duration uses on a case by case basis. Approval of such access shall take into account the proximity of the adjacent driveways and intersecting streets, factors such as grades and sight distance availability, as well as traffic volumes along the roadway. Access Point Permits for seasonal or limited duration uses shall be temporary in nature, with time limits or other conditions limiting the duration of the permit established as part of the permit approval process.

- E. Design and Location Guidelines for Access Points.** The following factors shall be considered by the City in assessing the suitability of a proposed access point when reviewing a request for Access Point Permit.

1. **Offset Access Points:** On undivided roadways, access points on opposing sides of the roadway should be aligned with one another or offset an adequate distance to minimize overlapping left turns and other maneuvers that may result in safety hazards or operational problems.
2. **Adequate Sight Distance:** An access point shall be located so as to provide adequate intersection sight distance.
3. **Auxiliary Lanes:** City may require auxiliary lanes (left or right turn lanes, acceleration lanes) where deemed necessary due to traffic volumes or where a safety or operational problem is expected without such lane.
4. **Substandard Frontage:** If lot frontage is inadequate to provide the required minimum spacing, access must be provided via a joint or

shared access easement with an adjacent property, unless a Modification of Access Standards is granted.

5. **Future Development:** To maintain minimum spacing requirements between commercial accesses when future development occurs, a proposed commercial access point may be approved subject to the condition that it serves adjacent property via a joint/shared access located on the common property line or a cross access easement.
6. **Easements for Joint Access:** When required to provide a joint or shared access, the property owners must record an easement allowing cross access to and from the properties served by the shared driveway or cross access. The easement must include a joint maintenance agreement defining the responsibilities of the property owners.
7. **Restricting Left Turns:** Left turning movements to or from a proposed access point may be restricted at the time of construction or at a future date based upon existing or anticipated roadway operating conditions.
8. **Angle of Approach:** Accesses shall be aligned to be straight and perpendicular to the centerline of the abutting roadway to the extent feasible.
9. **Auxiliary Features:** Signs, entrances medians, fencing, etc. shall be placed or constructed outside the right-of-way.
10. **Commercial Access Design:** Commercial access must be designed so that backing, loading, unloading and other maneuvers are accommodated on-site and not using any public right-of-way, and the access shall provide adequate stacking distance to prevent entering or exiting vehicles from obstructing the flow of traffic on the right-of-way.
11. **Commercial Access Geometrics:** The geometrics of a commercial access shall provide adequate width, grade and radii to accommodate all vehicles that will access the site.

F. Access Plan Required. An access plan is required to be submitted with any application for a general development plan on any property with frontage on a right-of-way. The access plan would also be required if the general development plan is located within 1/4 mile (approximately 1000 feet) of an intersection with any public right-of-way.

3. Special Requirements

A. Access Control Dedicated on Plats. Subdivision plats approved after the effective date of this Ordinance shall include the dedication of access control rights to the City of Fulshear along abutting right-of-ways on the final plat document where required as a condition of approval for an Access Plan.

B. Access to Homes in Residential Subdivisions. When a residential subdivision is proposed abutting any road it shall be designed so as to provide lots directly abutting the roadway with access from an interior local road or private road.

C. Turn Lane Guidance. Turn lanes may be required where for reasons of safety and traffic management the separation of through traffic from turning traffic is justified. Turn lanes may be considered in the following situations:

1. Where justified by topographical or geometric considerations:
 - a) Terrain or other physical features create limited sight distance, short vertical curves or result in steep grades on the through road at an intersection;
 - b) On any divided highway where there is a break in the median permitting left turns or u-turns to occur;
2. Where justified by special traffic operation conditions:
 - a) At locations where an appreciable portion of turning traffic is composed of heavy truck traffic, such as locations serving active gravel operations or large distribution centers
 - b) On corridors where turn lane construction has been the standard practice on past improvement projects, creating a level of expectation among motorists for turn lanes
3. Where justified based on crash experience within the corridor:
 - a) A turn lane should be considered at any access point that has a demonstrated history of crashes susceptible to correction by installation of a turn lane.
4. Where warranted by vehicular volume
 - a) In rural areas, consider construction of right turn lanes at all public street intersections where speeds are at or greater than 40 miles per hour and existing or projected mainline volumes are greater than 1,500 vehicles per day.
 - b) In rural areas, when a private access is requested, a right turn lane should be provided where
 - i. The access will serve more than ten residential units.
 - ii. The access will serve a retail/industrial area that generates more than 75 right turns per day.
 - c) In urban areas, applicants should refer to the Table 4-9 from the ROCOG 2035 Long Range Transportation Plan for guidance on when turn lanes are required.

If a turn lane cannot be constructed due to existing right-of-way limitations, or incorporation of the construction into a future county capital improvement project is justified, the City may require the applicant to pay into an escrow

account an amount determined to be adequate to cover the cost of such installation once the needed right of way has been secured or public project is developed.

- D. Requirements for Business and Retail Centers, School or Institutional Uses, or Multi-Family Residential Complexes.** Development sites consisting of multiple structures under the same ownership or consolidated for the purposes of site development shall not be considered separate properties in relation to the standards of this Ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available based on the existing frontage. Direct access for buildings should be internalized within the site using a shared circulation system that is designed to avoid excessive conflict between circulating traffic and parking maneuvers. Access control limiting direct access for individual building sites within the center or complex to the right-of-way shall be dedicated to the City as part of the development approval process and recorded with the deed at the Fort County Clerk.

1. Modifications to Spacing Standards.

Deviations up to 200 feet may be authorized where a property is unable to meet the minimum access point spacing standards and where this deviation will not create a safety problem.

A second access point may be approved for parcel under single ownership where, due to restrictions created by topography or natural features such as a river or bluff, the parcel is effectively split for purposes of use into two separate and non-connected land areas that cannot be reasonably connected internally for access purposes.

City may attach additional conditions to the approval of a request as deemed necessary to promote the spirit and intent of this Ordinance, including but not limited to:

- A) The access may be approved as an interim access to be phased out at a future time;
- B) Certain turning movements to and from the access may be restricted at the time of construction or at a future date, based upon existing or anticipated traffic volumes (i.e., right-in right out access points) ;
- C) The access may be required to serve existing or future adjacent property by means of a shared entrance or cross access easement.
- D) Other conditions based on the conclusions and recommendations of a traffic impact study.

2. Nonconforming Access

A. Purpose. The purpose of this section is to recognize the existence of access points which were lawful when established but do not meet the regulations of this Ordinance, to discourage the expansion and intensification of such access points, and to encourage the elimination of non-conforming access points or reduce their negative impacts on the road system as the opportunity to do so arises.

B. Continuation of Nonconforming Access. Access points in place as of the effective date of this Ordinance that do not conform with the regulations contained herein shall be allowed to continue as long as the access point remains unchanged or the land use served by the access point remains unchanged. Normal maintenance and repair of the access shall not be considered to be a change in the access point.

C. Discontinuation of Nonconforming Access. If the use of a non-conforming access point is discontinued for more than one year, the access shall not be re-established unless approval of an access permit is obtained.

3. No Use of the Right-of-Way.

A. Cultivation. No person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes, flowers, or shrubs within a right-of-way.

B. Landscaping. No person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage a right-of-way. No person may place watering systems or sprinkler heads within a right-of-way unless approved by the City.

- C. Obstructions.** No person may place, maintain, or allow any obstruction in a right-of-way other than those specifically permitted by this Ordinance, by state law or rule, or by written approval of the City Council. Items prohibited by this section include, but are not limited to, fences, posts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items whether or not such item interferes with the safe use or the maintenance of the right-of-way. No person shall park a functioning vehicle in a right-of-way in such a way as to unreasonably interfere with the safe use of a road or the maintenance of the right-of-way.
- D. Alteration of Grade.** No person may alter or change the depth or contour of any portion of any ditch or embankment in a right-of-way without written approval of the City Engineer.
- E. Mailboxes.** Mailboxes are permitted within a right-of way if they do not interfere with, obstruct, or render dangerous for passage a road. Mailboxes must be placed at the edge of the paved portion of the right-of-way and outside of the clear view triangle. Mailboxes placed within a right-of-way must comply with all applicable federal and state standards, The City may remove mailboxes at owner's expense that do not comply with the standards as provided.
- F. Approaches.** No person may construct an approach to a road without first obtaining approval by the City Engineer. The City Engineer may require a map or drawing of the existing or proposed approach.
- G. Culverts.** Any person constructing an approach may be required to install a culvert meeting the specifications set out by the City Engineer if the City Engineer determines a culvert is necessary for suitable approach to the road and to promote adequate drainage of the right-of-way.
- H. Costs.** A person constructing or reconstructing an approach to an existing road shall be responsible for paying all of the costs related thereto, including the cost of seeking all necessary approvals and the cost of a culvert if one is required. Property owners are responsible for maintaining all approaches and associated culverts on their property at their own cost.
- I. Headwalls.** No person may construct or reconstruct any headwall in a way that interferes with the safe use or maintenance of a right-of-way.
- J. Permission.** Any person receiving a permit from TXDOT or the City must comply with all applicable federal, state, and local laws and rules as well as all applicable city ordinances, resolutions, specifications, regulations, and policies.

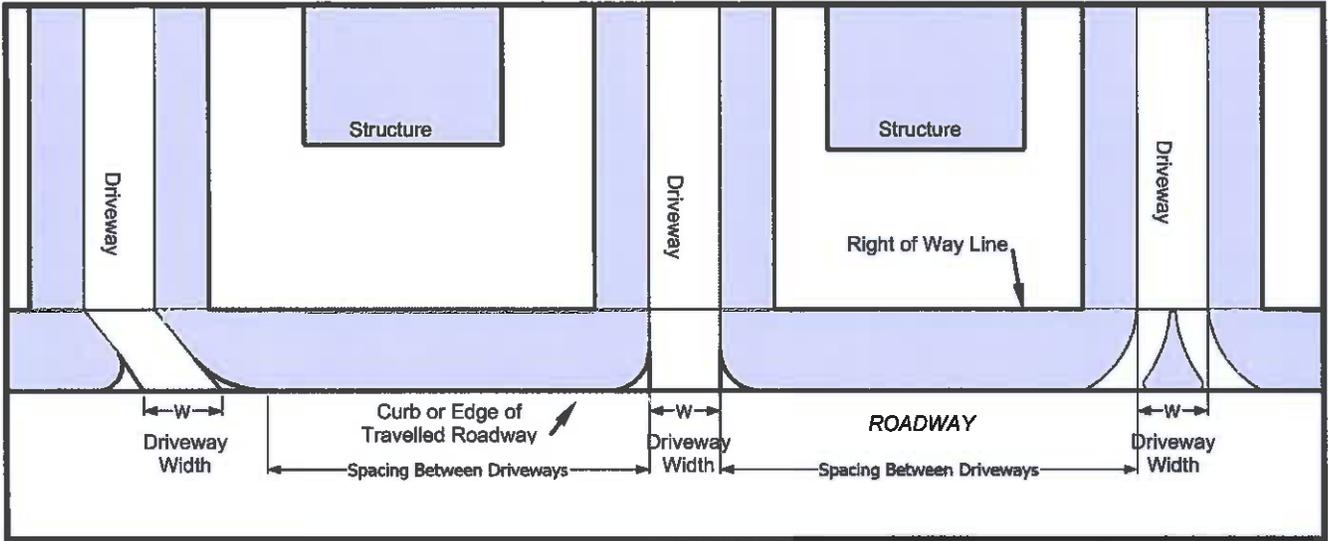


Figure 1: Measurement of Driveway Spacing

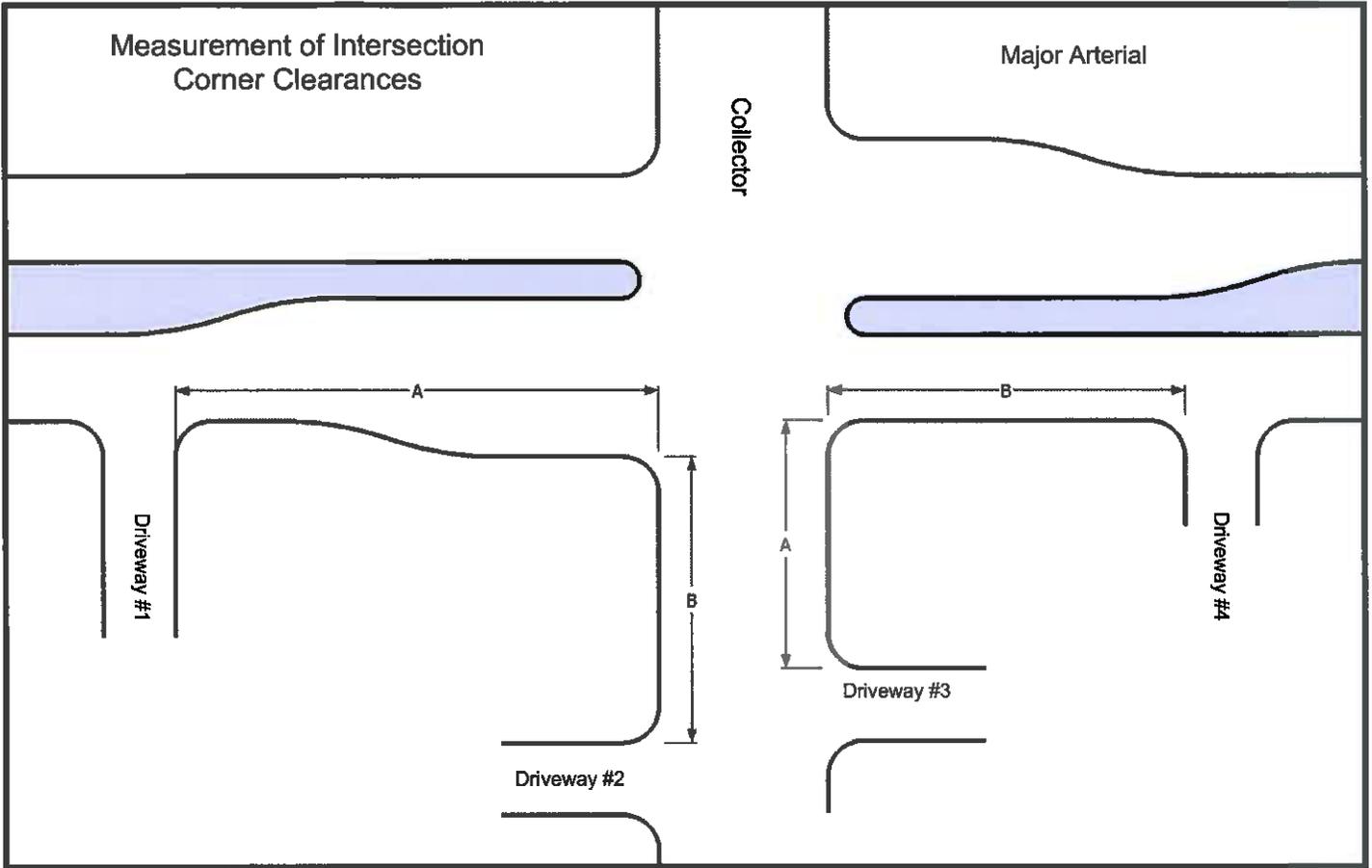


Figure 2: Corner Clearances

ORDINANCE NO. 2013-1090

AN ORDINANCE AMENDING CITY OF FULSHEAR, TEXAS, ORDINANCE NOS. 2012-1082 BEING AN ORDINANCE APPROVING AND ADOPTING THE CITY'S GENERAL BUDGET FOR FISCAL YEAR 2012-2013, BY APPROVING "BUDGET AMENDMENT I" TO THE "ORIGINAL GENERAL BUDGET OF THE CITY OF FULSHEAR, TEXAS, FOR THE FISCAL YEAR 2012-2013"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 2011-1082, the City Council of the City of Fulshear, Texas, adopted its "Original General Budget for Fiscal Year 2012-2013"; and

WHEREAS, the City Council has determined that revenues and/or reserves are available for supplemental appropriation, and/or that the transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting and for municipal purposes; and

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2012-2013; now, therefore,

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt an amendment to the City of Fulshear's 2012-2013 Budget.

SECTION 2.0

AMENDED: The "Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2012-2013," adopted under Ordinance No. 2012-1082 is hereby amended for municipal purposes as shown on "Budget Amendment I" to the "Original Budget of the City of Fulshear Texas, for the Fiscal year 2012-2013" attached hereto. Said Budget Amendment I shall be attached to and made a part of such Original General Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibits "A" and made a part hereof for all purposes.

SECTION 3.0

AUTHORIZED EXPENDITURE: That the City be and is hereby authorized to expend those funds allocated under the budget ordinance, as amended herein and the fund balance at the end of the current fiscal year will be carried forward to the next budget to fund the allocations for the next fiscal year.

SECTION 4.0

NON-REPEALER: That except as amended hereby, or as heretofore amended, the provisions of Ordinance No. 2012-1082 shall remain in full force and effect.

SECTION 5.0

SEVERABILITY: That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect

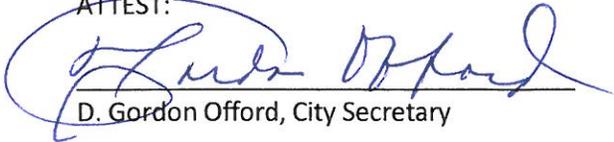
the validity of this ordinance as a whole, or any part or provision thereof other than the part decided to be invalid, illegal or unconstitutional.

SECTION 6.0

EFFECTIVE DATE: That this ordinance shall take effect immediately from and after its passage as the law in such cases provides, and the City Secretary is directed to furnish a copy of this amendment to the budget to the County Clerk of Ft. Bend County as required by Chapter 102 of the Texas Local Government Code.


Thomas C. Kuykendall Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ACCOUNT: 00016-2013 AMENDMENT 1
BUDGET CODE: CB-Current Budget

IND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
10 41102	1/10/2013	ADDITIONAL Property Tax - Prior Year(s)	22,000.00	3,500.00-	0.00	25,500.00-	43.06
10 41103	1/10/2013	ADDITIONAL Property Tax - P & I	6,000.00	3,000.00-	0.00	9,000.00-	1,151.48
10 44100	1/10/2013	ADDITIONAL Subdiv - Plat Fees	500.00	1,200.00-	0.00	1,700.00-	123.97-
10 49603	1/10/2013	ADDITIONAL Comm Dev - Sponsor Contrib	500.00	2,000.00-	0.00	2,500.00-	0.00
10 49200	1/10/2013	ADDITIONAL Miscellaneous Income	1,000.00	1,200.00-	0.00	2,200.00-	57.69
10 5-180-5210-01	1/10/2013	ADDITIONAL STAFF Wages	36,000.00	0.00	0.00	36,000.00	36,000.00
10 5-180-5235-00	1/10/2013	ADDITIONAL STAFF Empl,yee Health Benefit	7,990.00	7,720.00	0.00	15,710.00	13,093.64
10 5-180-5240-00	1/10/2013	ADDITIONAL STAFF Unemployment	190.00	190.00	0.00	380.00	380.00
10 5-180-5230-00	1/10/2013	ADDITIONAL STAFF Payroll Tax Expense	2,862.00	3,544.03	0.00	6,406.03	5,580.45
10 5-180-5238-00	1/10/2013	ADDITIONAL STAFF Retirement Contribution	450.00	906.07	0.00	1,356.07	1,207.25
10 5-000-5469-01	1/10/2013	RENTAL - CITY STORAGE	791.00	6,340.00	0.00	7,131.00	0.52
10 5-000-5461-05	1/10/2013	Prof. Service - Info Technolog	8,500.00	19,800.00	0.00	28,300.00	17,565.23
10 5-000-5600-00	1/10/2013	Capital - Equipment	8,500.00-	8,500.00	0.00	0.00	0.00
10 5-100-5311-03	1/10/2013	Beauti-FulShear Supplies	1,300.00	500.00	0.00	1,800.00	16.97
10 5-100-5461-02	1/10/2013	Prof. Service Christmas	4,000.00	3,000.00	0.00	7,000.00	702.73
10 5-100-5468-02	1/10/2013	Equip Rental Christmas	1,020.00	3,500.00	0.00	4,520.00	2.40
10 5-100-5515-02	1/10/2013	Christmas Advertising	450.00-	1,000.00	0.00	550.00	0.00

TRACK: 00016-2013 AMENDMENT 1
BUDGET CODE: CB-Current Budget

IND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
00 5-100-5520-02	1/10/2013	Christmas Printing	250.00-	250.00	0.00	0.00	0.00
00 5-100-5461-03	1/10/2013	Prof. Service Beauti-Fulshear	1,300.00-	4,000.00	0.00	2,700.00	2,700.00
00 5-110-5326-00	1/10/2013	Uniform Expenses	500.00-	500.00	0.00	0.00	0.00
00 5-110-5381-00	1/10/2013	CC Meeting Expense	3,000.00-	3,000.00	0.00	0.00	0.00
00 5-110-5421-03	1/10/2013	Workers Compensation	100.00-	100.00	0.00	0.00	0.00
00 5-110-5528-00	1/10/2013	Travel/Training - City Council	3,000.00-	3,000.00	0.00	0.00	0.00
00 5-120-5235-00	1/10/2013	Employee Health Benefits	405.00	23,160.00	0.00	23,565.00	15,715.92
00 5-120-5650-04	1/10/2013	Capital - Equipment	600.00-	16,500.00	0.00	15,900.00	69.53
00 5-140-5235-00	1/10/2013	Employee Health Benefits	135.00	7,720.00	0.00	7,855.00	5,238.64
00 5-190-5431-01	1/10/2013	Insurance Real & Personal Prop	870.00	1,056.00	0.00	1,926.00	1.16
00 5-000-5421-00	1/10/2013	Insurance Real & Pers Property	2,000.00-	3,500.00	0.00	1,500.00	1,229.58
00 5-190-5469-01	1/10/2013	Facility Rental	18,000.00-	18,000.00	0.00	0.00	0.00
00 5-210-5235-00	1/10/2013	Employee Health Benefits	945.00	54,040.00	0.00	54,985.00	39,285.12
00 5-210-5421-00	1/10/2013	Law Enforcement Liability	636.00	3,500.00	0.00	4,136.00	0.10
00 5-210-5430-00	1/10/2013	Telecommunications-Web	338.00	850.00	0.00	1,188.00	0.00
00 5-210-5381-00	1/10/2013	Miscellaneous Expenses	974.00-	8,500.00	0.00	7,526.00	7,428.00
00 5-410-5350-00	1/10/2013	Maintenance Streets	12,000.00	0.00	0.00	12,000.00	857.50

ND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
0 5-410-5311-00	1/10/2013	Supplies - Street Repair	10,000.00-	15,000.00	0.00	5,000.00	5,000.00
0 5-510-5235-00	1/10/2013	Employee Health Benefits	3,659.00-	15,440.00	0.00	11,781.00	9,164.64
0 5-510-5434-00	1/10/2013	Telecommunications	780.00	0.00	0.00	780.00	506.06
0 5-530-5560-07	1/10/2013	App SW - Incode Maint. Contrac	2,500.00-	5,000.00	0.00	2,500.00	1,052.42
0 5-210-5364-00	1/10/2013	Investigation	760.00	0.00	0.00	760.00	760.00
0 5-210-5469-01	1/10/2013	Evidence Storage Rental	760.00-	2,200.00	0.00	1,440.00	0.00
TOTAL NO. ADJUSTMENTS--REVENUE:					5	30,000.00	
TOTAL NO. ADJUSTMENTS--EXPENSE:					35	24,372.00	
TOTAL IN PACKET--						54,379.00	

* NO WARNINGS ***
 * NO ERRORS ***
 *** END OF REPORT ***