ORDINANCE NO. 2020-1331

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING CHAPTER 28 - SIGNS, OF THE FULSHEAR CODE WITH A NEW CHAPTER 28, COORDINATED DEVELOPMENT ORDINANCE (CDO); REPEALING AND REPLACING APPENDIX A - ZONING, WITH A NEW APPENDIX A: AIRPORT ZONING REGULATIONS; REPEALING AND REPLACING APPENDIX B - AIRPORT ZONING REGULATIONS, WITH A NEW APPENDIX B: THOROUGHFARE MAP; REPEALING AND REPLACING APPENDIX C - THOROUGHFARE PLAN, WITH A NEW APPENDIX C: PLANT LIST; REPEALING CHAPTER 18, ARTICLE VII. - OUTDOOR LIGHTING; REPEALING CHAPTER 26 - MOBILE HOMES, MANUFACTURED HOMES AND PARKS; REPEALING CHAPTER 32, ARTICLE II, DIVISION 4. - ACCESS MANAGEMENT; REPEALING CHAPTER 34 - SUBDIVISION OF LAND; REPEALING CHAPTER 42 - VEGETATION; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * * * * * * * *

WHEREAS, the City of Fulshear, Texas ("City"), desires to repeal certain zoning, architectural, parking, and other development related standards, regulations, and classifications affecting the area within the city limits and extra-territorial jurisdiction of the City and replace the same with new zoning, architectural, parking, and other development related standards, regulations, and classifications affecting the area within the city limits and extra-territorial jurisdiction of the City; and

WHEREAS, such new zoning, architectural, parking, and other development related standards, regulations, and classifications affecting the area within the city limits and extra-territorial jurisdiction of the City are also commonly referred to collectively as the "Coordinated Development Ordinance" the "Consolidated Development Ordinance," or the "CDO"; and

WHEREAS, the City Council finds that all notices and public hearings have been given and held, respectively, in accordance with applicable law;

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

Section 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

Section 2. Chapter 28 - SIGNS, of the Fulshear Code is hereby repealed and replaced with a new CHAPTER 28, COORDINATED DEVELOPMENT ORDINANCE (CDO), as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 3. Appendix A - ZONING, of the Fulshear Code is hereby repealed and replaced with a new APPENDIX A: AIRPORT ZONING REGULATIONS, as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 4. Appendix B - AIRPORT ZONING REGULATIONS, of the Fulshear Code is hereby repealed and replaced with a new APPENDIX B: THOROUGHFARE MAP, as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 5. Appendix C - THOROUGHFARE PLAN, of the Fulshear Code is hereby repealed and replaced with a new APPENDIX C: PLANT LIST, as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 6. The following chapters, articles, and divisions of the Fulshear Code, as applicable, are hereby repealed:

(a) Chapter 18, ARTICLE VII. - OUTDOOR LIGHTING;
(b) Chapter 26 - MOBILE HOMES, MANUFACTURED HOMES AND PARKS;
(c) Chapter 32, ARTICLE II, DIVISION 4. - ACCESS MANAGEMENT;
(d) Chapter 34 - SUBDIVISION OF LAND; and
(e) Chapter 42 - VEGETATION.

Section 7. **Penalty**. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars ($500.00), provided that if such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars ($2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars ($4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 8. **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 9. **Repeal**. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 10. **Effective date**. This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the 15th day of September, 2020.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

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CHAPTER 28, COORDINATED DEVELOPMENT ORDINANCE (CDO)

ARTICLE I: AUTHORITY, PURPOSE, AND JURISDICTION

DIVISION I-1: General Provisions

Sec. 28-1-1. Title

This Ordinance shall be known as the "Coordinated Development Ordinance of the City of Fulshear, Texas" or "this CDO".

Sec. 28-1-2. Authority

This CDO is adopted pursuant to:

A. The powers granted and limitations imposed by the United States and Texas Constitutions; and

B. Texas statutory and common laws that are relevant and appropriate, including, but not limited to, the City's Charter and the following chapters of the Texas Local Government Code (TLGC), as amended:
   1. Chapter 42, *Extraterritorial Jurisdiction of Municipalities*;
   2. Chapter 211, *Municipal Zoning Authority*;
   3. Chapter 212, *Municipal Regulation of Subdivisions and Property Development*;
   4. Chapter 213, *Municipal Comprehensive Plans*;
   5. Chapter 214, *Municipal Regulation of Housing and Other Structures*;
   6. Chapter 215, *Municipal Regulation of Businesses and Occupations*;
   7. Chapter 216, *Regulation of Signs by Municipalities*;
   8. Chapter 245, *Issuance of Local Permits*; and
   9. Chapter 246, *Construction of Certain Telecommunication Facilities*.

Sec. 28-1-3. Purposes

This CDO is adopted for the purposes of:

A. Promoting the public health, safety and general welfare of the citizens of the City;

B. Implementing the City's Comprehensive Plan;

C. Guiding the future growth and economic development of the City;

D. Achieving orderly urban development through land use and subdivision controls;

E. Enhancing the special characteristics and small-town character of Fulshear;

F. Creating a unique sense of place in concert with the City's other regulations and ordinances;

G. Protecting and conserving the value of land and buildings;

H. Minimizing the conflicts among various uses of land and buildings;

I. Preserving and enhancing the City's natural environment and avoiding natural and manmade hazards in the development of the City;

J. Balancing the protection of community resources with the need to promote economic development and protecting individual property rights; and

K. Establishing a process that effectively and fairly applies the regulations and standards of this CDO.

Sec. 28-1-4. Jurisdiction

A. **City Limits.** The provisions of this CDO apply to the development of all land within the municipal limits of the City, unless specifically provided otherwise.

B. **Extraterritorial Jurisdiction.** The City does not regulate the use or density of property within the extraterritorial jurisdiction (ETJ). Unless it states otherwise within a specific section, the following standards, do apply within the ETJ:

   1. ARTICLE III, *Site Development;* and
   2. ARTICLE IV, *Subdivision Regulations.*

Sec. 28-1-5. Enactment and Repeal

The enactment of this CDO shall repeal and replace the following City ordinances:

- Chapter 18, *Article VII, Outdoor Lighting*;
- Chapter 26, *Manufactured Homes;*
- Chapter 28, *Signs*;
- Chapter 32, *Article II, Division 4, Access Management*;
- Chapter 34, *Subdivision of Land*;
- Chapter 42, *Vegetation*;
- Appendix A, *Zoning*;
- Appendix B, *Airport Zoning Regulations*; and
- Appendix C, *Thoroughfare Plan*.

Sec. 28-1-6. Effective Date

The effective date of September 16, 2020 shall be the date when this Coordinated Development Ordinance (CDO) of the City of Fulshear enters into the full force of law.

DIVISION I-2: Effect of CDO

Sec. 28-1-7. Compliance with CDO

Within the City limits, 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 regulations established by this CDO for the district in which the building, structure, or land is located.

Sec. 28-1-8. Transitional Provisions

A. **Development Approvals Predating Code's Effective Date**.

1. *Existing Approvals*. It is the City's intent to respect existing zoning and land development approvals. Approved development may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval was valid and has not lapsed per Sec. 28-7-9, *Inactive Applications*. This specifically includes any specific use permits which were granted prior to the adoption of this CDO and building permits provided construction was commenced within 60 days after obtaining said building permit and diligently completed.
2. *Building Codes and Materials.* This Section does not prevent the City from:
   a. Adopting or enforcing building codes; or
   b. Prohibiting the use of building materials that have been proven to be inherently dangerous.

B. **Pending Applications.**

1. *Time of Completed Submittal.* Except as provided in Subsection (B)(2), below, each application for development approval shall be evaluated only by the zoning regulations and adopted ordinances in effect at the time that each complete application is submitted.
2. *Expiration.* Applications that are not pursued with due diligence may expire pursuant to Sec. 28-7-9, *Inactive Applications*.

C. **Right to Complete Construction**. This CDO does not require any change in the plans, construction, or designated use of any structure if:

1. A building permit for the structure was lawfully issued prior to the effective date of this CDO;
2. The building permit had not by its own terms expired prior to the effective date of this CDO;
3. The applicant has incurred substantial liabilities or performed substantial work in reliance on the permit, existing zoning or subdivision regulations, or provisions of this CDO, before it had actual or constructive knowledge of changes to this CDO which would, upon adoption, make the issuance of the building permit illegal; and
4. Construction pursuant to the building permit was commenced prior to the inactivity of the permit and within 90 days of the effective date of this CDO, or an amendment to this CDO, and was thereafter diligently pursued to completion.

D. **Existing Violations.**

1. *Generally*. Any violation of the previous version of the ordinances and appendices cited in Sec. 28-1-5, *Enactment and Repeal*, are considered a violation of this CDO and are subject to the penalties and enforcement set out in Article VIII, *Enforcement and Remedies*. However, if the violating use,

development, construction, or other activity complies with the provisions of this CDO, the enforcement action shall cease, except to the extent of collecting penalties for violations that occurred prior to the effective date of this CDO.

2. *Fines and Penalties*. Payment of fines is required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered a violation under this CDO.

E. **Annexed Territory.**

1. *Zoning Classification at the Time of Annexation*. A property owner shall request rezoning to a zoning district classification during the annexation process. An ordinance proposing zoning of a parcel, or parcels, to be annexed shall not be finally adopted by the City Council before the date of final adoption of the annexation ordinance. The City Council may approve an annexation, annexation agreement, and zoning classification concurrently.
2. *Zoning Classification and Regulations After Annexation*. Any owner of land within the area annexed may apply for rezoning under the laws and procedures of the City after the effective date of annexation.
3. *Effect of Rezoning*. If property annexed before the effective date of this CDO is rezoned, all zoning requirements and regulations of the City take effect, and the regulations of the prior zoning jurisdiction terminate, within the annexed area.

F. **Planned Unit Developments (PUDs).**

1. *Generally*. Planned Unit Development site plans approved prior to the effective date of this CDO are governed according to the express terms and conditions of each agreement, unless expressly repealed or modified as provided in Sec. 28-7-30, *Planned Development*.
2. *Phased Approval*. For a development site plan that was preliminarily approved prior to the effective date of this CDO, but with phases requiring final approval after the effective date of this CDO, approval in accordance with the standards and procedures of this CDO may be sought for this and each subsequent phase of development.

Sec. 28-1-9. Development Agreements

When a development agreement approved by City Council ordinance or resolution in accordance with TLGC Section 212.172, *Development Agreement,* imposes restrictions that differ from those contained in this CDO the private development agreement shall control.

Sec. 28-1-10. Private Agreements

This CDO shall not interfere with, abrogate or annul any private easement, covenant, deed restriction, or other agreement between private parties. Nor shall the City enforce any private agreement entered into by one private party against another private party.

Sec. 28-1-11. Conflicting Provisions

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

Sec. 28-1-12. Consistency with Plans

This CDO implements the goals, objectives, and policies of plans adopted by the City. While the City reaffirms its commitment that this CDO conforms to adopted planning policies, the City expresses its intent that no provision of this CDO may be challenged merely on the basis of an alleged nonconformity with an adopted plan or other planning policy.

Sec. 28-1-13. Effect of Governmental Condemnation

If as a result of a condemnation, acquisition in lieu of condemnation, or any other similar action by or on behalf of a governmental entity (a "Taking"), a property or any improvements thereon in the City no longer satisfies the requirements of the City's Code of Ordinances, as existing or as hereafter amended, including without limitation any of the setback and landscape requirements in Division II-2, *Zoning Districts,* or any other building or other setback or buffer requirement. Such property and any improvements thereon shall thereafter be exempted from such City Code of Ordinances' requirements, and deemed for all purposes to be in compliance with the City Code of Ordinances to the same extent as prior to any such Taking. The exemption and deemed compliance provided for herein shall include any property and the improvements made thereon purchased prior to the Taking.

CITY OF FULSHEAR
1824 ★ 1890 ★ 1977

ARTICLE II: ZONING DISTRICTS AND LAND USES

DIVISION II-1: General Provisions

Sec. 28-2-1. Purpose and Applicability

A. **Purpose**. The purpose of this Article is to establish zoning districts which will provide for quality, sustainable development and which correspond to the specific purpose statements set out in Sec. 28-2-3, *Districts Established*.

B. **Applicability**.

1. **Effect**. The districts set out in this Article apply to all land, buildings, structures, and appurtenances within the corporate boundaries of the City.
2. **Zoning Districts**. As of the effective date of this CDO, land zoned with a district classification from the previous zoning regulations will be translated or reclassified to one of the district classifications in this CDO. Displayed in Sec. 28-2-3, *Districts Established*, is the name and letter designation of each district, how each district relates to the future land use designation identified in the Comprehensive Plan, the different neighborhood types, the purpose of the district, and the former zoning district designation. This table shows the translation of the former and current zoning districts.
3. **Land Uses**. The tables in this Article describe which land uses are permitted, limited, special, and temporary or prohibited within the zoning districts identified in Sec. 28-2-3, *Districts Established*.
4. **Development Agreements**.
   a. *Designation of Zoning Districts.* All development agreements that will apply within the City's municipal limits and entered into after the effective date of this CDO will designate which proposed zoning district the development will enter into and the provisions of that zoning district will be strictly adhered to.
   b. *Planned Unit Developments*. Additional Planned Unit Developments (PUD) may be created through a development agreement which will then add a zoning district to the existing list of districts as shown in Sec. 28-2-3, *Districts Established*, provided that the PUDs entered into meet the standards as laid out in, Sec. 28-7-30, *Planned Unit Developments*.

Sec. 28-2-2. Official Zoning Map

A. **Generally.** The boundaries of the zoning districts established by this CDO shall be shown on a map entitled "Official Zoning Map," an up-to-date copy of which shall be maintained in the Office of the City Secretary.

B. **Force and Effect**. The Official Zoning Map and all notations, references, and other information shown on it have the same force and effect as the text of this CDO.

C. **Interpreting the Zoning Map.** Where the Official Zoning Map appears to be unclear regarding the location of zoning district boundaries, the Administrator, or at the Administrator's discretion, the Planning and Zoning Commission, shall make a determination using the following criteria:

1. *Property Lines.* District boundaries shown as approximately following property lines shall be construed as following such property lines.
2. *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.
3. *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.
4. *Street Abandonment.* 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.
5. *Previously Enacted Ordinance.* In the event of a conflict between the district boundaries on the Official Zoning Map and the zoning of property provided by a duly enacted ordinance adopted before the effective date of this CDO, the Official Zoning Map will control.
6. *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 referred to the Planning and Zoning Commission by the Administrator.
7. *Interpretation of Flood Zone and Airport Zoning Maps*. The City will not make any interpretations of the boundaries of flood zones or the airport zoning. Should a dispute be brought to the City, the Administrator will seek guidance to resolve the issue with the appropriate governmental agency.
8. *Development Agreements.* All development agreements entered into by the City that pre-date the effective date of this CDO shall, where applicable, override the zoning district designations and regulations of the CDO.

DIVISION II-2: Zoning Districts

Sec. 28-2-3. Districts Established

A. **Zoning Districts**. This Section divides the City into the districts as set forth in Table 28-2-3, *Zoning Districts*.

B. **Development Agreements.**
   1. *Existing Prior to CDO.* The terms and standards of a development agreement existing on the Effective Date of this CDO applies in lieu of this Division.
   2. *Created After CDO Adoption.* Agreements established after the Effective Date shall conform to the standards of this Division.

C. **Planned Unit Developments (PUDs)**.
   1. *Existing PUDs.* As of the effective date of this CDO, there are two Planned Unit Developments (PUDs) that have been incorporated into the City's zoning district structure and which are reflected below in Table 28-2-3, *Zoning Districts.*

2. *Creation of New PUDs.* A new PUD may only be created through the process as described in Sec. 28-7-30, *Planned Unit Developments.*

Table 28-2-3 Zoning Districts				
Zoning District	**Future Land Use Class**	**Neighborhood Type**	**The purpose of this zoning district and neighborhood type is to provide for:**	**Former Zoning District**
Residential				
Estate Residential (ER)	Estate Residential	Conventional	Estate-sized, two acre or larger lots or parcels for single-family detached dwellings.	R-1
Suburban Residential (SR)	Suburban Residential	Conventional	Single-family detached neighborhoods with moderately sized lots.	New
		Planned	A planned neighborhood for single-family detached and attached dwellings that has increased density and an increased percentage of common open space used for parks and greenways, to preserve environmental resources, and to transition between housing types and from abutting developments.	
Fulshear Run Planned Unit Development (FR)		Planned	See City of Fulshear, TX Ordinance 2014-1138.	PUD
Semi-Urban Residential (SU)	Suburban Residential and Multi-Family Residential	Conventional	Single-family detached neighborhood with modest sized lots and minimal common open space.	R-2
		Planned	A planned neighborhood development for single-family detached and attached and multiple-family dwellings that has increased density from the conventional development option and an increased percentage of common open space used for parks and greenways, to preserve environmental resources, to transition between housing types and from abutting developments, and as neighborhood amenities.	MF & R-2

Table 28-2-3 Zoning Districts				
Zoning District	**Future Land Use Class**	**Neighborhood Type**	**The purpose of this zoning district and neighborhood type is to provide for:**	**Former Zoning District**
Manufactured Housing (MH)	Manufactured Housing	Manufactured	A manufactured home park and manufactured homes are permitted in this district subject to design and development standards.	MH
Nonresidential				
Suburban Commercial (SC)	Suburban Commercial	Office, Limited Retail, and Non-Retail	A range of small-scale commercial retail, service, and office uses with building and site design standards that are compatible and cohesive with abutting and adjacent residential uses and characterized by buildings that are smaller scale than the typical General Commercial (GC) building	CF
Suburban Office (SO)		Office, research and technology	An employment center planned as a corporate park with larger-scale professional office and institutional buildings with site and building design standards and shared public amenities.	New
Downtown (DD)	Urban Mixed-Use	Mixed Commercial Office, Retail and Residential	A traditional downtown core and fringe that includes a blend of locally historic and new buildings in a compact, highly walkable area that provides for mixed-use while honoring and respecting the original town character and neighborhood areas. Parking is principally handled on-street and in coordinated and centralized off-street locations that are well-designed and integrated into the fabric of the Downtown.	DD
Wallis Street Planned Unit Development (PUD)	General Commercial	Retail and Services	See City of Fulshear, TX Ordinance 2018-1268.	PUD
General Commercial (GC)			A broad range of single-use and multi-tenant centers that vary in scale and have on-site and shared parking.	C
Industrial (IN)	Industrial	Light Manufacturing and Warehousing	Industrial uses that are primarily operated indoors with certain related outdoor activities, on-site storage, and truck traffic are subject to specific use standards.	I

Sec. 28-2-4. Neighborhood Types

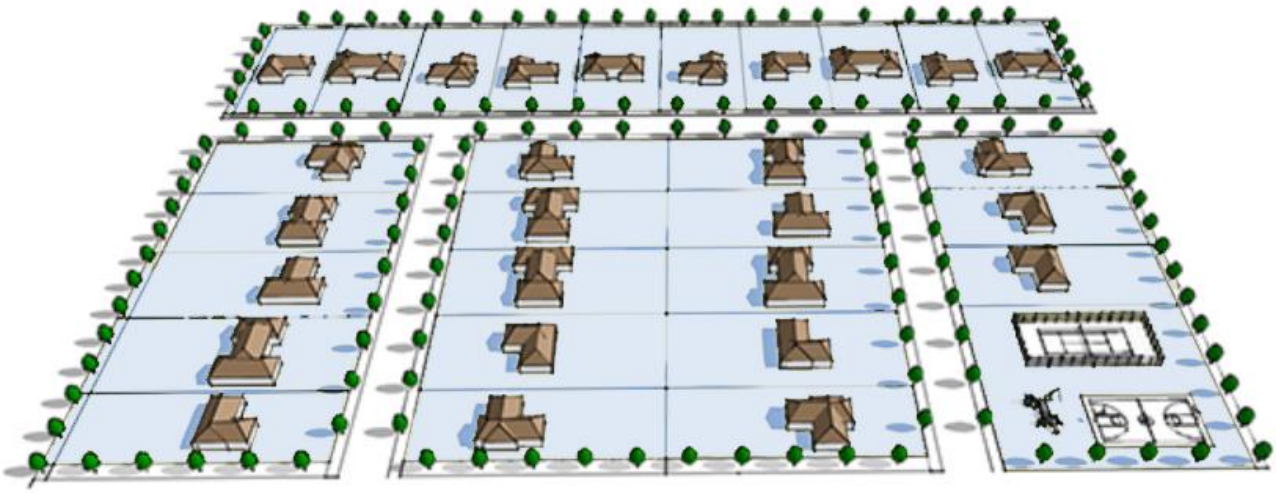
A. **Purpose**. The residential zoning districts provide for by-right development options relating to the type of neighborhood. The neighborhood types provide for different housing types, sizes, and prices, as well as different neighborhood environments and living options. These options allow development to be designed in harmony with the natural landscape through set asides for resource features such as wetlands and floodplains, creeks and streams and their riparian areas, as well as lakes, greenways, and resident amenities, while providing market flexibility.

B. **Applicability**. The neighborhood types applicable to each residential zoning district are set out in DIVISION II-2: *Zoning Districts*.

C. **Neighborhood Types**. The development of new residential neighborhoods must be classified as one of the following neighborhood types:

1. *Conventional*. Conventional neighborhoods consist of single-family detached dwellings on platted or unplatted homesteads and subdivisions in the estate, suburban, and semi-urban districts. A conventional subdivision generally includes a regular pattern of lots along curvilinear or gridded streets with minimum common open space. See Figure 28-2-4-1, *Conventional Neighborhood*.

Figure 28-2-4-1
Conventional Neighborhood



2. *Planned.* Planned neighborhoods consist of neighborhoods with dwellings on smaller lots that are clustered around common open spaces. The common open space is set-aside for resource features such as wetlands and floodplains, creeks and streams and their riparian areas, as well as lakes, greenways, and resident amenities. See Figure 28-2-4-2, *Planned Neighborhood*.

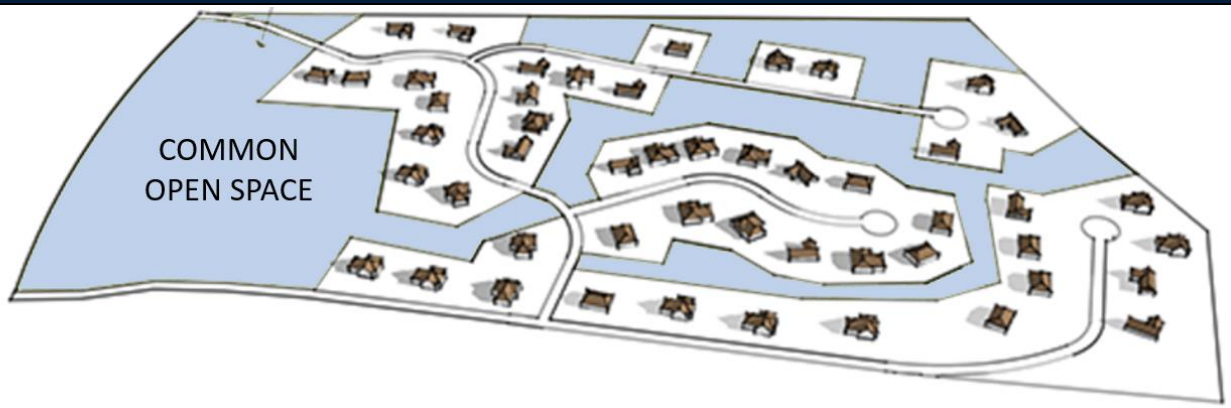
   a. *Common Open Space.* Common open space shall be interconnected with other open spaces, greenways, parks, and trails within and adjacent to the neighborhood.

   b. *Direct Lot Access.* Open space shall be integrated so as to provide direct access to the maximum number of lots, as demonstrated by the site plan.

c. *Bufferyards.* A Type B Bufferyard is required between single-family detached or attached dwellings and multiple-family dwellings. See Sec. 28-3-27, *Bufferyards.*

d. *Adjacency to Conventional Neighborhoods.* When adjacent to a conventional neighborhood, lots along a shared property line shall be no less than 75 percent of the lot area and width of the adjacent conventional lots. This provision shall only to established neighborhoods and not to undeveloped acreage.

Figure 28-2-4-2
Planned Neighborhood



Sec. 28-2-5. Estate Residential (ER)

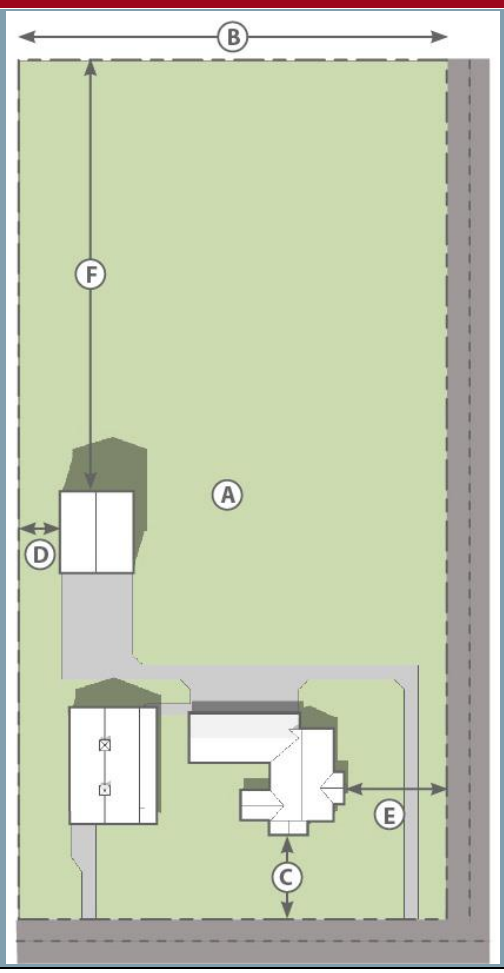
A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**. The standards in this Section apply to areas designated as *Estate Residential* on the Future Land Use and Character Plan and denoted as ER on the Official Zoning Map.

C. **Dimensional Standards**. Displayed in Table 28-2-5-1, *Development Standards*, are the standards for conventional developments providing for the uses listed below.

Table 28-2-5-1
Dimensional Standards

Standard		Single-Family Detached Requirements[1]	Illustrative
		Conventional	
Density and Open Space			
--	N/A	N/A	
Minimum Lot			
A	Area	2 ac.	
B	Width	150 ft.	
Minimum Building Setbacks			
C	Front	35 ft.	

Table 28-2-5-1 Dimensional Standards			
Standard		**Single-Family Detached Requirements[1]** **Conventional**	**Illustrative**
D	Interior Side	15 ft.	
E	Street Side	35 ft.	
F	Rear	35 ft.	
Maximum Building			
--	Coverage	N/A	
--	Height	40 ft.	

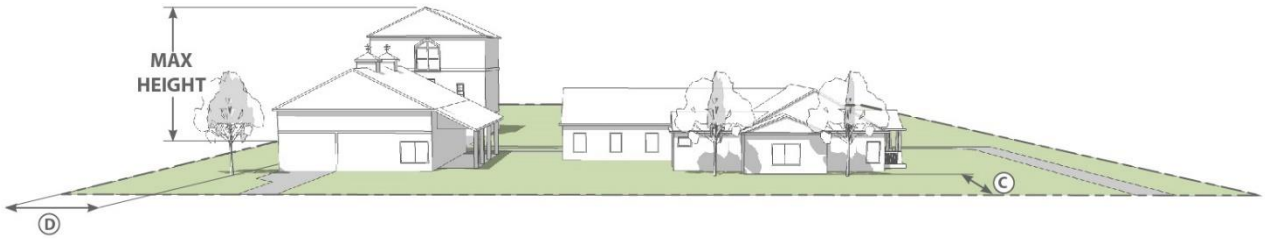


TABLE NOTES: NA = Not Applicable

1. Only single-family detached dwellings are permitted in this district.

D. **Land Uses, Neighborhoods, and Off-Street Parking.**

1. *Use Standards*. See DIVISION II-3, *Use Standards*, for additional requirements.
2. *Neighborhood Types*. See Sec. 28-2-4, *Neighborhood Types*.

3. *Parking Standards*. See DIVISION III-2, *Parking, Loading, and Access,* for more detailed provisions.

Table 28-2-5-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	**Use Type**	**Minimum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Accessory			
Accessory Dwelling Unit	C	1 per bedroom	Sec. 28-2-19
Detached Garage, Barn, or Shed	C	No minimum; refer to applicable dwelling type	Sec. 28-2-19
Home Occupation (other than listed below)	C	Refer to Sec. 28-2-19	Sec. 28-2-19
Bed and Breakfast Home	C	2 per dwelling unit plus 1 per guest room	Sec. 28-2-19
Agriculture and Rural			
Farm, Orchard, or Ranch	P	1 per 5,000 sf. GFA devoted to the use	--
Kennel/ Animal Shelter	S	1 per 400 sf. of GFA	Sec. 28-2-17
Stable	C	3 per 1,000 sf. of administrative space, plus 1 space per 3 stalls	Sec. 28-2-16
Public, Institutional, and Utility			
Day Care / Pre School	C	1 per 10 enrolled persons plus 1 per employee on the largest shift	Sec. 28-2-16
Government Office (Library, Post Office, Administration)	P	1 per 300 sf. GFA	--
Government Service (Police, Fire, EMS)	C	1 per 400 sf. GFA	Sec. 28-2-16
Park and Outdoor Recreation, Non-Commercial	P	1 per 2 acres; minimum of 10 spaces	--
Place of Assembly, Indoor	C	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	Sec. 28-2-16
School, Primary	C	1 per 65 sf. of classroom space + 1 space per 300 sf. of office space	Sec. 28-2-16
Water Storage Facility	C	1 per employee on the largest shift	Sec. 28-2-16
Wireless Communications Tower	S	1 per tower	See Chapter 8, Article VI of City's Code of Ordinances
Residential			
Single-Family Detached Dwelling	P	2 per dwelling unit	--
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area			

E. **Landscaping and Buffering**. None required.

F. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-5-3, *Permitted Sign Types,* are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-5-3 Permitted Sign Types			
Sign Type	**Residential Use**	**Nonresidential Use**	**Standards**
Legend: P = Permitted NP = Not Permitted			
Monument	P	P	Sec. 28-3-33 and Sec. 28-3-34
Wall	NP	P	
Temporary	P	P	

Sec. 28-2-6. Suburban Residential (SR)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Establishe*d.

B. **Applicability**. The standards in this Section apply to areas designated as *Suburban Residential* on the Future Land Use and Character Plan and denoted as SR on the Official Zoning Map. Suburban residential areas include conventional neighborhoods with single-family detached dwellings and planned neighborhoods with single-family detached and attached dwellings. A connection to public water and wastewater systems is required.

C. **Neighborhood Types.** For the planned neighborhood type, refer to Sec. 28-2-4, *Neighborhood Types.*

D. **Dimensional Standards.** Displayed in Table 28-2-6-1, *Dimensional Standards*, are the standards for conventional and planned neighborhoods providing for the uses listed below.

Table 28-2-6-1 Dimensional Standards				
Standard		**Single-Family Detached Requirements**		**Illustrative**
		Conventional[1]	**Planned[2]**	
Density and Open Space				
--	Dwelling Units Per Acre (Max)	1.8	2.5	
--	Open Space (Min)	5%	20%	
Minimum Lot				
A	Area	0.5 ac.	0.25 ac	
B	Width	90 ft.	70 ft.	
Minimum Building Setback				
C	Front	35 ft.	30 ft.	
D	Interior Side	12 ft.	10 ft.	

Table 28-2-6-1
Dimensional Standards

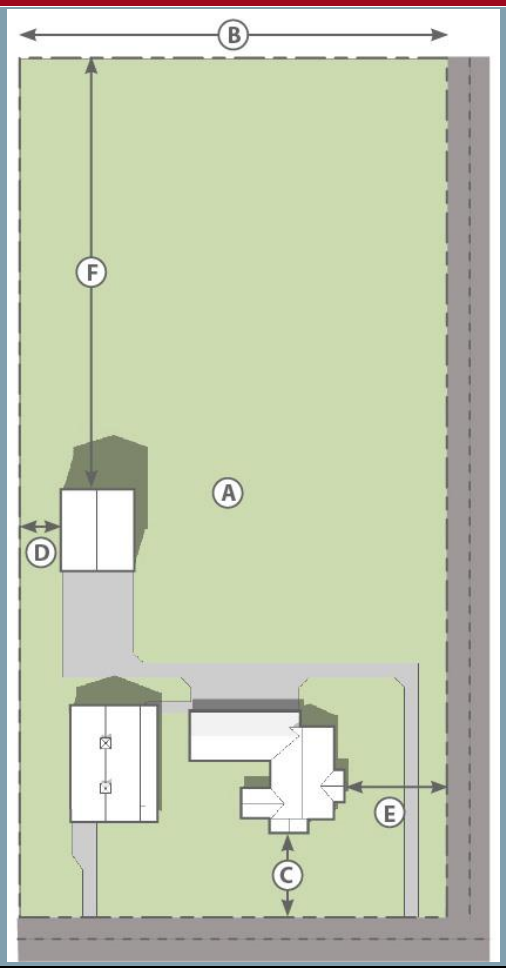
Standard		Single-Family Detached Requirements		Illustrative
		Conventional[1]	Planned[2]	
E	Street Side	35 ft.	30 ft.	
F	Rear	30 ft.	25 ft.	
Maximum Building				
--	Coverage	20%	35%	
--	Height	40 ft.	35 ft.	

Table 28-2-6-1 Dimensional Standards			
Standard	Single-Family Detached Requirements		Illustrative
	Conventional[1]	Planned[2]	

TABLE NOTES:

1. Only single-family detached dwellings are permitted in a conventional neighborhood.
2. Additional housing types are permitted in a planned or cluster development. See Sec. 28-2-16, *Single-Family Attached and Multiple Family Standards*.

D. **Land Uses, Neighborhoods, and Off-Street Parking.**

1. *Use Standards*. See DIVISION II-3, *Use Standards*, for additional requirements.
2. *Neighborhood Types*. See Sec. 28-2-4, *Neighborhood Types*.
3. *Parking Standards*. See DIVISION III-2, *Parking, Loading, and Access,* for more detailed provisions.

Table 28-2-6-2
Permitted Uses and Minimum Off-Street Parking Spaces

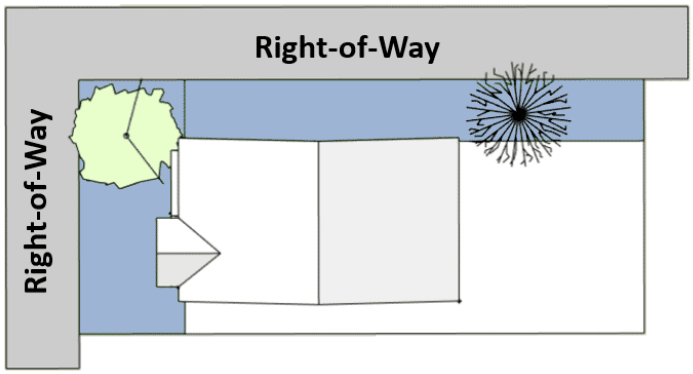
Use Category	Use Type	Neighborhood Type	Minimum Spaces	Cross Reference
Use Legend: P = Permitted; C = Conditional; S = Specific; Neighborhood Legend: CN = Conventional PD = Planned All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*				
Accessory				
Accessory Dwelling Unit	C	CN, PD	1 per bedroom	Sec. 28-2-19
Community Garden	C	CN, PD	1 per 5,000 sf. of garden area	Sec. 28-2-19
Detached Garage or Shed	C	CN, PD	No minimum	Sec. 28-2-19
Home Occupation (other than listed below)	C	CN, PD	Refer to Sec. 28-2-19	Sec. 28-2-19
Bed and Breakfast Home	C	CN, PD	2 per dwelling unit plus 1 per guest room	Sec. 28-2-19
Public, Institutional, and Utility				
Day Care / Pre-School	C	CN, PD	1 per 10 enrolled persons plus 1 per employee on the largest shift	Sec. 28-2-16
Government Office (Library, Post Office, Administration)	P	CN, PD	1 per 300 sf. GFA	--
Government Service (Police, Fire, EMS)	C	CN, PD	1 per 400 sf. GFA	Sec. 28-2-16
Parks and Outdoor Recreation, Non-Commercial	P	CN, PD	1 per 2 acres; minimum of 10 spaces	--
Place of Assembly, Indoor	C	PD	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	Sec. 28-2-16

Table 28-2-6-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Neighborhood Type**	**Minimum Spaces**	**Cross Reference**
Use Legend: P = Permitted; C = Conditional; S = Specific; Neighborhood Legend: CN = Conventional PD = Planned All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*				
School, Primary	C	PD	1 per 65 sf. of classroom space + 1 space per 300 sf. of office space	Sec. 28-2-16
Water Storage Facility	C	PD	1 per employee on the largest shift	--
Wireless Communications Tower	S	PD	1 per tower	See Chapter 8, Article VI of the City's Code of Ordinances
Residential				
Single-Family Detached Dwelling	P	CN, PD	2 per dwelling unit	--
Single Family Attached Dwelling (duplex, twin home, multiplex, townhome)	P	PD	2 per dwelling unit	Sec. 28-2-16
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area				

E. **Landscaping and Buffering**. Displayed in Table 28-2-6-3, *Landscape Standards*, are the planting requirements for both conventional and planned neighborhoods.

Table 28-2-6-3 Landscape Standards	
Type of Tree	**Min. per 50' Street Frontage**
Deciduous or Evergreen[1]	0.25
Ornamental	0.50
TABLE NOTES: 1. The calculated number of trees must be rounded up to the nearest whole number.	

Illustrative



F. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-6-4, *Permitted Sign Types,* are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-6-4 Permitted Sign Types			
Sign Type	**Residential Use**	**Nonresidential Use**	**Standards**
Legend: P = Permitted NP = Not Permitted			
Monument	P	P	Sec. 28-3-33 and Sec. 28-3-34
Wall	NP	P	
Temporary	P	P	

Sec. 28-2-7. Fulshear Run Planned Unit Development (FR)

See City of Fulshear, TX Ordinance 2014-1138.

Sec. 28-2-8. Semi-Urban Residential (SU)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**. The standards in this Section apply to areas designated as Multi-Family Residential and Suburban Residential on the Future Land Use and Character Plan and denoted as SU on the Official Zoning Map. Semi-Urban Residential areas include conventional neighborhoods with single-family detached dwellings; planned neighborhoods with single-family detached, attached, and multi-family dwellings. A connection to public water and wastewater systems is required.

C. **Neighborhood Types.** See Sec. 28-2-4, *Neighborhood Types*.

D. **Dimensional Standards.** Displayed in Table 28-2-8-1, *Dimensional Standards*, are the standards for conventional and planned neighborhoods providing for the uses listed below.

Table 28-2-8-1 Dimensional Standards			
Standard		**Neighborhood Types**	
		Conventional	**Planned**
Single-Family Detached Housing			
--	Acres	--	10 ac. min.
Density and Open Space			
--	Maximum Units Per Acre	4.2	4.8
--	Minimum Open Space	10%	25%
Minimum Lot			
A	Area	6,000 sf.	5,000 sf.
B	Width	60 ft.	45 ft.
Average Lot			
A	Area	8,400 sf.	6,000 sf.
B	Width	70 ft.	55 ft.

Table 28-2-8-1 Dimensional Standards			
Standard		Neighborhood Types	
		Conventional	Planned
Minimum Building Setbacks			
C	Front	30 ft.	20 ft.
D	Interior Side	7.5 ft.	5 ft.
E	Street Side	20 ft.	15 ft.
F	Rear	20 ft.	15 ft.
Building			
G	Coverage (Max)	40%	45%
--	Separation (Min)	15 ft.	10 ft.
--	Height (Max)	35 ft.	35 ft.

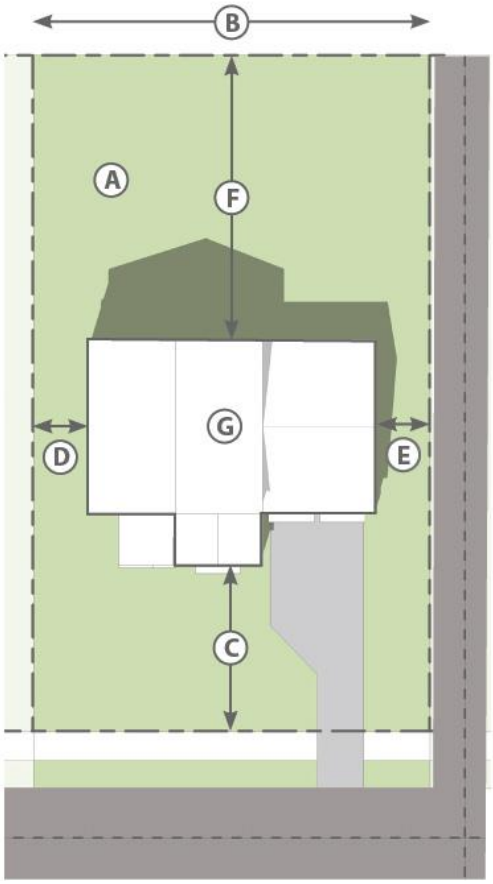


Table 28-2-8-1 Dimensional Standards		
Standard	Neighborhood Types	
	Conventional	Planned

Table 28-2-8-2 Single-Family Attached Housing					
Standard		Housing Types			
		Duplex / Twin Home	Multiplex	Townhome	Apartment
Density and Open Space					
--	Units Per Acre	8.6	9.7	11.9	30.0
--	Open Space	10%	12%	20%	25%
Minimum Lot[1]					
A	Area	4,500 sf.	3,500 sf.	2,500 sf.	1,500 sf.
B	Width	45 ft.	35 ft.	25 ft.	15 ft.
Minimum Building Setbacks					
C	Front	25 ft.	25 ft.	20 ft.	35 ft.
D	Interior Side	0 ft.	10 ft.	0 ft.	15 ft.
E	Street Side	25 ft.	25 ft.	20 ft.	25 ft.
F	Rear	25 ft.	20 ft.	15 ft.	25 ft.
--	Parking	15 ft.	15 ft.	10 ft.	15 ft.
Building					
G	Coverage (Max)	41%	54%	68%	65%

Table 28-2-8-2
Single-Family Attached Housing

Standard		Housing Types			
		Duplex / Twin Home	Multiplex	Townhome	Apartment
H	Height (Max)	35 ft	35 ft.	35 ft.	45 ft.
--	Stories	2.5	2.5	2.5	3.0

Table Notes:
1. Minimum lot area and minimum lot width values are per dwelling unit. For example. A duplex (which has two units is required to have 90 ft. of minimum lot width for the overall building and 9,000 sf. for the building housing the two units.

Duplex Side-by-Side

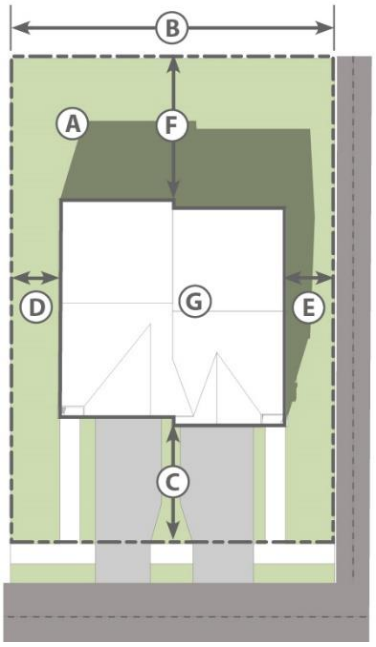


Table 28-2-8-2 Single-Family Attached Housing				
Standard	Housing Types			
	Duplex / Twin Home	Multiplex	Townhome	Apartment
Duplex Over-Under				

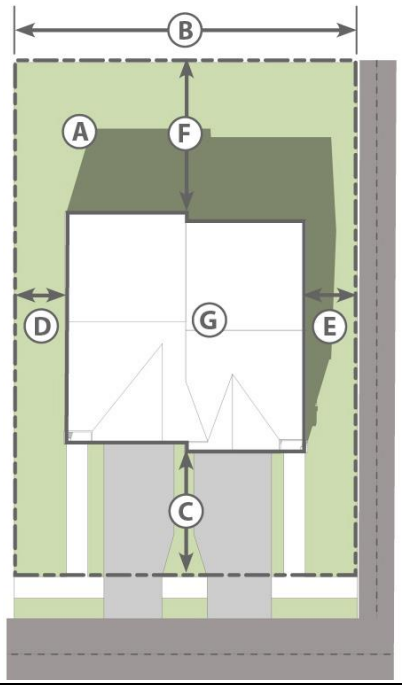


Table 28-2-8-2 Single-Family Attached Housing				
Standard	Housing Types			
	Duplex / Twin Home	Multiplex	Townhome	Apartment
Twin Home				

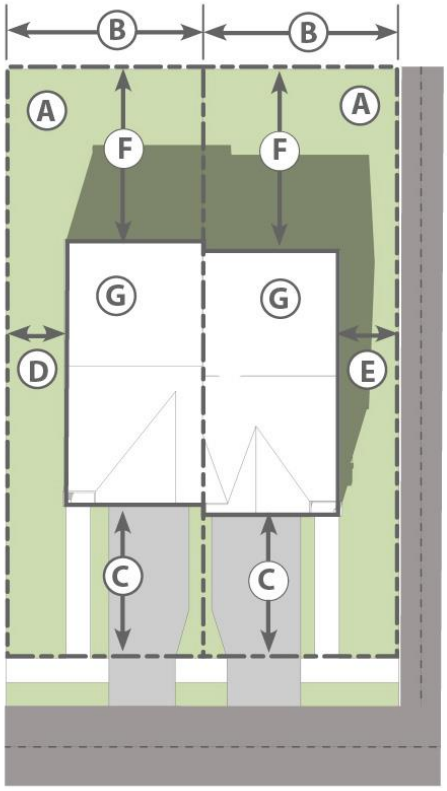


Table 28-2-8-2 Single-Family Attached Housing				
Standard	Housing Types			
	Duplex / Twin Home	Multiplex	Townhome	Apartment
Multiplex				

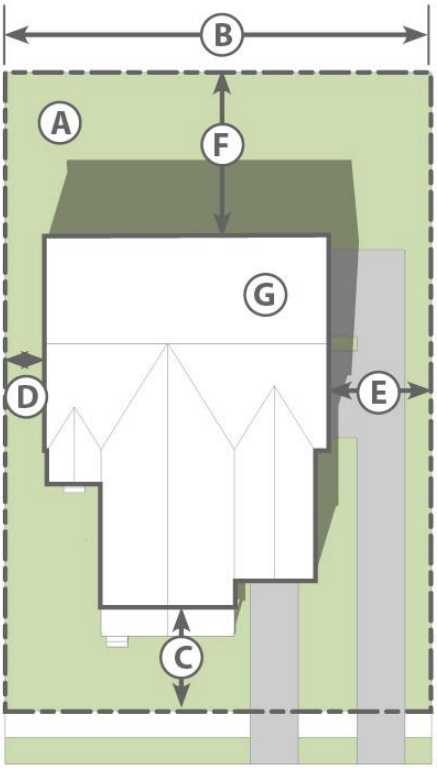


Table 28-2-8-2 Single-Family Attached Housing				
Standard	Housing Types			
	Duplex / Twin Home	Multiplex	Townhome	Apartment
Townhome				

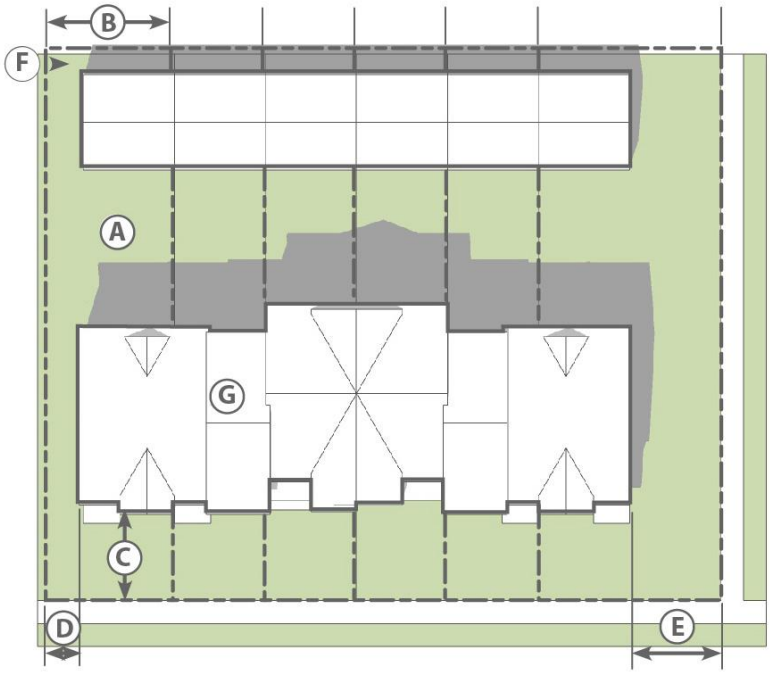
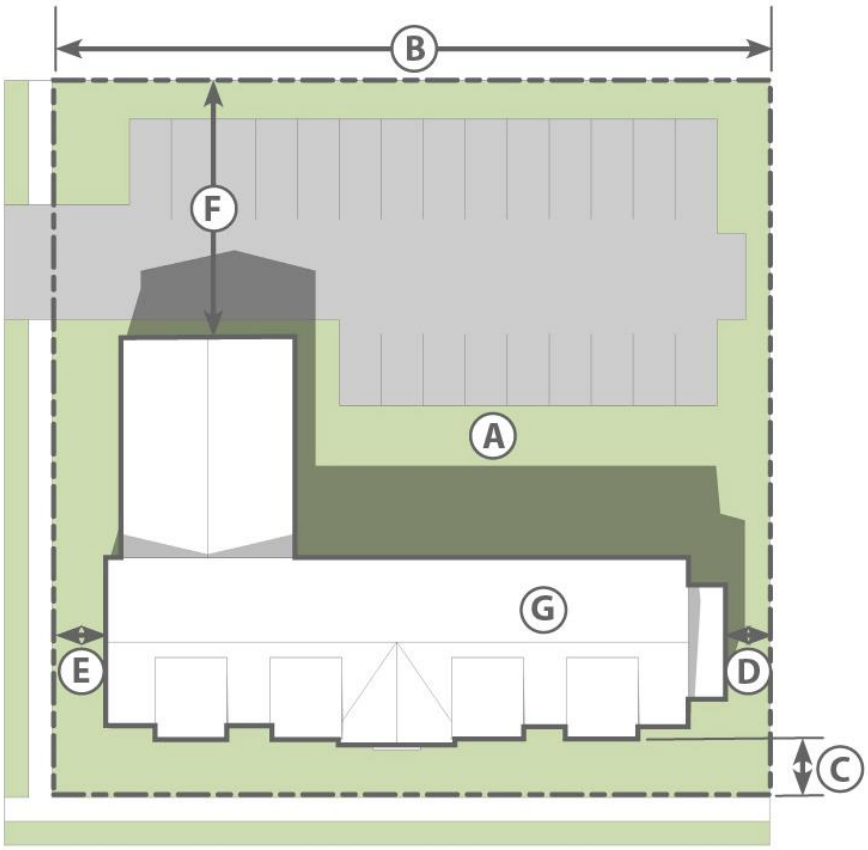


Table 28-2-8-2 Single-Family Attached Housing				
Standard	Housing Types			
	Duplex / Twin Home	Multiplex	Townhome	Apartment
Apartment				



D. **Land Uses, Neighborhoods, and Off-Street Parking.**

1. *Use Standards.* See DIVISION II-3, *Use Standards*, for additional requirements.
2. *Neighborhood Types*. See Sec. 28-2-4, *Neighborhood Types*.
3. *Parking Standards*. See DIVISION III-2, *Parking, Loading, and Access,* for more detailed provisions.

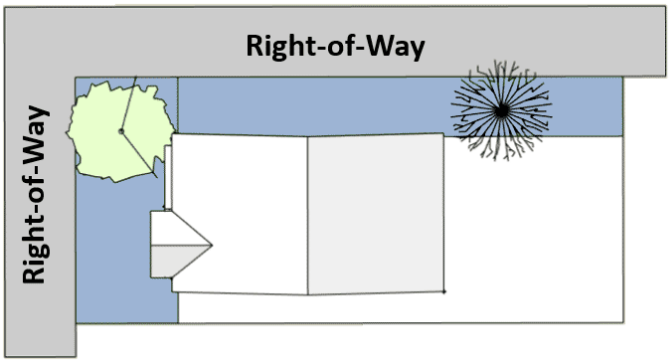
Table 28-2-8-3 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Neighborhood Type**	**Minimum Spaces**	**Cross Reference**
Use Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses* **Neighborhood Legend: CN = Conventional PD = Planned**				
Accessory				
Community Garden	C	CN, PD	1 per 5,000 sf. of garden area	Sec. 28-2-19
Detached Garage	C	CN, PD	See applicable dwelling type	Sec. 28-2-19
Home Occupation (other than listed below)	C	CN, PD	See Sec. 28-2-19	Sec. 28-2-19
Child Care, Family Home	C	CN, PD	1 per each 3 children on the premises at any one time + 1 per each provider, staff member, or employee on duty at any one time	Sec. 28-2-19
Child Care Facility, Group Home	C	CN, PD	Greater of: 1 per 3 rooms or 1 per bedroom	Sec. 28-2-19
Public, Institutional, and Utility				
Government Office (Library, Post Office, Administration)	P	CN, PD	1 per 300 sf. GFA	--
Government Service (Police, Fire, EMS)	C	CN, PD	1 per 400 sf. GFA	Sec. 28-2-16
Park and Outdoor Recreational, Non-Commercial	P	CN, PD	1 per 2 acres; minimum of 10 spaces	--
Place of Assembly, Indoor	C	PD	Greater of: 1 per 350 sf. or 1 per 4 seats in the assembly area	Sec. 28-2-16
School, Primary	C	PD	1 per 65 sf. of classroom space + 1 per 300 sf. of office space	Sec. 28-2-16
Water Storage Facility	C	CN, PD	1 per employee on largest shift	Sec. 28-2-16
Wireless Communications Tower	S	CN, PD	1 per tower	See Chapter 8, Article VI of the City's Code of Ordinances
Residential				
Apartment	C	PD	1 per DU for efficiency unit or 1 bedroom (BR); 2 per DU for 2 BR; 3 per DU for 3 BR plus	Sec. 28-2-16
Industrialized Housing	C	CN	2 per DU	Sec. 28-2-16

Table 28-2-8-3 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Neighborhood Type**	**Minimum Spaces**	**Cross Reference**
Use Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses* **Neighborhood Legend: CN = Conventional PD = Planned**				
Single-Family Detached Dwelling	P	CN, PD	2 per DU	--
Single Family Attached Dwelling (duplex, twin home, multiplex, townhome)	P	PD	2 per DU	Sec. 28-2-16
Commercial				
Grocery/Retail	S	PD	3 per 1,000 sf. of GFA	Sec. 28-2-17
Restaurant, Dine-In	S	PD	1 per 200 sf. of GFA	Sec. 28-2-17
Office	S	PD	1 per 500 sf. of GFA	Sec. 28-2-17
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area				

E. **Landscaping and Buffering.** Table 28-2-8-4, *Landscape Standards*, provides general standards for conventional neighborhood residential development in this zoning district.

Table 28-2-8-4 Landscape Standards	
Type of Tree	**Min. per 50' Street Frontage**
Deciduous or Evergreen	1.0
Ornamental	1.0
TABLE NOTES: The calculated number of trees must be rounded up to the nearest whole number.	

Figure 28-2-8-2
Landscape Standards



F. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-8-5, *Permitted Sign Types,* are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-8-5 Permitted Sign Types			
Sign Type	**Residential Use**	**Nonresidential Use**	**Standards**
Legend: P = Permitted; NP = Not Permitted			
Monument	P	P	Sec. 28-3-33 and Sec. 28-3-34
Wall	NP	P	
Temporary	P	P	

Sec. 28-2-9. Manufactured Housing (MH)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**. The standards in this Section apply to areas designated as Manufactured Housing (MH) on the Official Zoning Map. A connection to public water and wastewater systems is required.

C. **Neighborhood Types.** See Sec. 28-2-4, *Neighborhood Types*.

D. **Dimensional Standards.** Displayed in Table 28-2-9-1, *Dimensional Standards,* are the standards for manufactured home parks or individually platted manufactured homes, providing for the uses listed below.

Table 28-2-9-1 Dimensional Standards	
Acres	5 ac. max.
Density and Open Space	
Maximum Units Per Acre	6.1
Minimum Open Space	20%
Minimum Lot	
Area	5,000 sf.
Width	50 ft.
Minimum Building Setbacks	
Front	20 ft.
Interior Side	10 ft.
Street Side	20 ft.
Rear	15 ft.
Building	
Coverage (Max)	40%
Separation (Min)	20 ft.
Height (Max)	35 ft.

E. **Land Uses, Neighborhoods, and Off-Street Parking.**

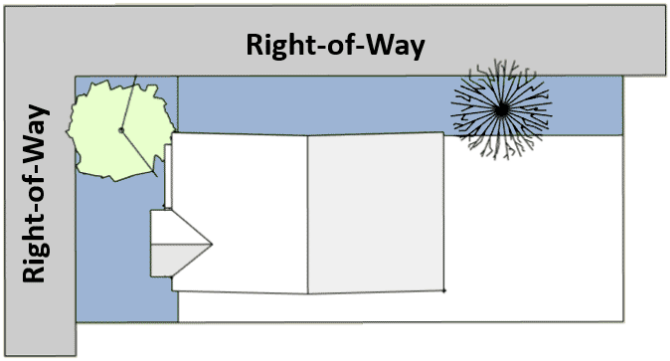
1. *Use Standards*. See DIVISION II-3, *Use Standards*, for additional requirements.
2. *Parking Standards*. See DIVISION III-2, *Parking, Loading, and Access,* for more detailed provisions.

Table 28-2-9-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	**Use Type**	**Minimum Spaces**	**Cross Reference**
Use Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Public, Institutional, and Utility			
Government Office (Library, Post Office, Administration)	P	1 per 300 sf. GFA	--
Government Service (Police, Fire, EMS)	C	1 per 400 sf. GFA	Sec. 28-2-16
Park and Outdoor Recreational, Non-Commercial	P	1 per 2 acres; minimum of 10 spaces	--
Place of Assembly, Indoor	C	Greater of: 1 per 350 sf. or 1 per 4 seats in the assembly area	Sec. 28-2-16
Water Storage Facility	C	1 per employee on largest shift	Sec. 28-2-16
Wireless Communications Tower	S	1 per tower	Sec. 28-2-19
Residential			
Industrialized Housing	P	2 per DU	--
Park or Manufactured Home	P	2 per DU	--
Single-Family Detached Dwelling	P	2 per DU	--
Single Family Attached Dwelling (duplex, twin home, multiplex, townhome)	P	2 per DU	--
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area			

F. **Landscaping and Buffering.** Table 28-2-9-3, *Landscape Standards*, provides general standards for conventional neighborhood residential development in this zoning district. See Sec. 28-3-27, *Bufferyards* for more detailed provisions.

Table 28-2-9-3 Landscape Standards	
Type of Tree	**Min. per 50' Street Frontage**
Deciduous or Evergreen	1.0
Ornamental	1.0
TABLE NOTES: The calculated number of trees must be rounded up to the nearest whole number.	

Figure 28-2-9-2
Landscape Standards



G. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-9-4, *Permitted Sign Types,* are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-9-4 Permitted Sign Types			
Sign Type	**Residential Use**	**Nonresidential Use**	**Standards**
Legend: P = Permitted; NP = Not Permitted			
Monument	P	P	Sec. 28-3-33 and Sec. 28-3-34
Wall	NP	P	
Temporary	P	P	

Sec. 28-2-10 Wallis Street Planned Unit Development (WS)

See City of Fulshear, TX Ordinance 2018-1268.

Sec. 28-2-11. Suburban Commercial District (SC)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**. The standards of this Section apply to areas designated as *Suburban Commercial* on the Future Land Use and Character Plan and denoted as SC on the Official Zoning Map. Suburban Commercial areas include small tracts of land situated adjacent to the Suburban or Semi-Urban Residential districts or within a planned development, for which the site and building are designed in the context of its low-density surroundings.

C. **Dimensional Standards**. Displayed in Table 28-2-11-1, *Dimensional Standards*, are the standards for developing the uses listed below. The design standards for this district are in Sec. 28-3-7, *Office Park Design*.

Table 28-2-11-1 Dimensional Standards			
Standard		**Requirements**	**Illustrative**
Site Intensity			
--	Maximum Gross Floor Area	20,000 sf.	
--	Floor Area Ratio (FAR)	0.400	
--	Landscape Surface Ratio (LSR)	0.30	
Minimum Lot			
A	Area	5,500 sf.	
B	Width	60 ft.	
Minimum Setbacks			
C	Building Front[1]	30 ft.	
D	Building Interior Side[2]	10/20 ft.	

Table 28-2-11-1
Dimensional Standards

	Standard	Requirements
E	Building Rear	25 ft.
F	Building Street Side[2]	10/20 ft.
--	Parking[3]	15 ft.
	Maximum Building	
--	Height	35 ft.

Illustrative

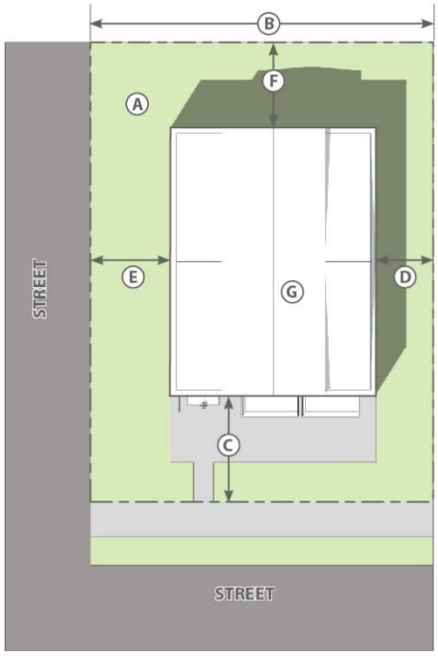


TABLE NOTES:

1. Parking is to be located to the side and rear of the building. Up to one bay of parking may be located in the front yard provided the street bufferyard requirement in Table 28-2-11-3, *Landscape Standards*, is increased by the next higher bufferyard class.
2. The first value is the standard when the property abuts a nonresidential and/or mixed-use district. The second value is the standard when the property abuts a residential district.
3. Parking within the street side yard requires an increase to the next higher bufferyard class. See Sec. 28-3-27, *Bufferyards.*

D. **Land Uses and Off-Street Parking.**

1. *Use Standards*. See Division II-3, *Use Standards*, for additional requirements.
2. *Parking Standards*. See Division III-2, *Parking, Loading, and Access,* for more detailed provisions.

Table 28-2-11-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Minimum Spaces**	**Maximum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*				
Hospitality				
Bed and Breakfast Inn	C	1 per guest room	1 per guest room	Sec. 28-2-16
Restaurant, Dine-In	P	1 per 200 sf. GFA	1 per 100 sf. GFA	--
Office and Professional				
Bank or Credit Union and Financial Services, No Drive-Through	P	1 per 450 sf. GFA	1 per 250 sf. of GFA	Sec. 28-2-16
Medical Office / Clinic, Labs, and Urgent Care Center	C	1 per 500 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16
Office, General	C	1 per 400 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16
Retail and Service				
Convenience Store without gas pumps	P	1 per 400 sf. GFA	1 per 200 sf. GFA	--
Gas Station	P	1 per 400 sf. GFA	1 per 200 sf. GFA	--
Restaurant, Drive-Through	C	1 per 250 sf. GFA	1 per 150 sf. GFA	--
Grocery / Retail	P	1 per 400 sf. GFA	1 per 200 sf. GFA	--
Dry Cleaning Establishment	P	1 per 500 sf. GFA	1 per 200 sf. GFA	--
Massage Parlor	C	1 per 400 sf. GFA	1 per 200 sf. GFA	--
Public, Institutional, and Utility				
Adult Day Care Center	P	1 per 400 sf. GFA	1 per 250 sf. GFA	--
Government Office (Post Office, Administration)	P	1 per 400 sf. GFA	1 per 150 sf. GFA	--
Day Care Center	P	1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students	1 per employee + 1 per 5 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 8 students	--
Governmental Service (Police, Fire, Emergency, Medical Services)	C	1 per 300 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16
Library	P	1 per 1,000 sf. GFA	1 per 300 sf. of GFA	
Park and Outdoor Recreation, Non-Commercial	P	2 per 1 acre; minimum of 10	5 per 1 acre; minimum of 10	--

Table 28-2-11-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Minimum Spaces**	**Maximum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*				
Place of Assembly, Indoor	C	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	Greater of: 1 per 200 sf. or 1 per 3 seats in assembly area	Sec. 28-2-16
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area				

E. **Landscaping and Buffering.** Displayed in Table 28-2-11-3, *Landscape Standards*, are the landscape surface ratio, street and district bufferyard, interior parking, and foundation planting requirements. Refer to DIVISION III-3, *Buffering, Landscaping, and Screening*, for more detailed provisions.

Table 28-2-11-3
Landscape Standards

	Standard	Required
	Minimum Site Landscaping	
A	Pervious Area (%)	30
A	1 canopy tree, 2 small trees, and 2 shrubs per	2,000 sf. [1]
	Street Bufferyard Type	
B	Highway	C
B	Arterial Street	B
B	Collector and Local Street	A
	District Bufferyard Type	
C	ER, MH, SR, SU, and PUD districts	A
C	GC, DD, and SO	B
C	IN	C
	Interior Parking Island Landscaping	
D	1 landscape island per "x" parking spaces[2]	15
D	1 canopy tree in each landscape island per[2,3]	164 sf.
	Foundation Plantings	
	Three shrubs, two ornamental grasses or two shrubs and three ornamental grasses per[4]	10 lf.

Figure 28-2-11-2
Landscape Standards

Illustrative

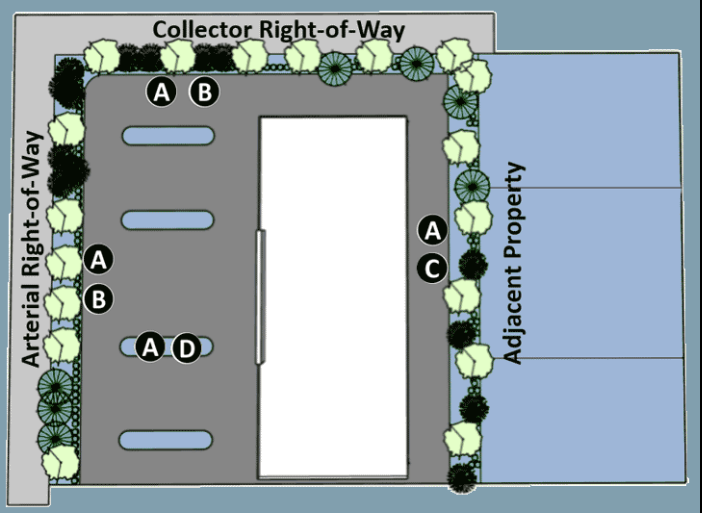


TABLE NOTES: sf. = square feet; lf. = linear feet

1. Measured for each 2,000 sf. or portion thereof
2. 164 sf. is equal to one 9' X 18' parking stall
3. Required in parking lot with 30 or more spaces; otherwise, the required landscaping must be placed around the parking perimeter
4. Required on building elevations parallel, or approximately parallel, to street right-of-way and parking lots

F. **Signs.**

1. *Permitted Sign Types*. The sign types listed in Table 28-2-11-4, *Permitted Sign Types*, are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-11-4 Permitted Sign Types		
Sign Type	**Nonresidential Use**	**Cross Reference**
Access	P	Sec. 28-3-33 and Sec. 28-3-34
Awning	P	
Canopy	P	
Directory	P	
Hanging	P	
Marquee	P	
Monument	P	
Projecting	P	
Wall	P	
Window	P	
Temporary	P	
TABLE NOTES: P = Permitted		

Sec. 28-2-12. Suburban Office (SO)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**. Suburban Office areas include those for office buildings and complexes either on individual sites or within a corporate business park.

C. **Dimensional Standards**. Displayed in Table 28-2-12-1, *Dimensional Standards*, are the standards for developing the uses listed below. The design standards for this district are in Sec. 28-3-7, *Suburban Office Design*.

Table 28-2-12-1 Dimensional Standards			
Standard		**Requirements**	**Illustrative**
Site Intensity			
--	Maximum Gross Floor Area	NA	
A	Floor Area Ratio (FAR) - Surface Parking	0.52	
	Floor Area Ratio (FAR) - Structured Parking	1.50	
--	Common Open Space (min)	0.30	

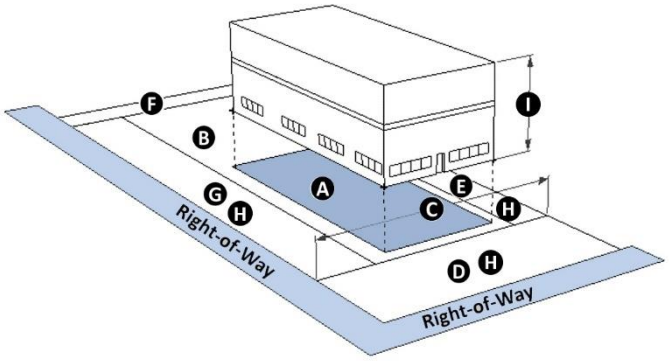
Table 28-2-12-1 Dimensional Standards			
Standard		**Requirements**	**Illustrative**
Minimum Lot			
B	Area	9,000 sf.	
C	Width	80 ft.	
Minimum Setbacks			
D	Front	50 ft.	
E	Interior Side	20 ft.	
F	Rear	20 ft.	
G	Street Side	30 ft.	
H	Parking[1]	25 ft.	
Marking Building			
I	Height	60 ft.	

TABLE NOTES:

1. Parking within the street side yard requires an increase to the next higher bufferyard class. See Sec. 28-3-27, *Bufferyards.*

D. **Land Uses and Off-Street Parking.**

1. *Use Standards*. See Division II-3, *Use Standards*, for additional requirements.
2. *Parking Standards*. See Division III-2, *Parking, Loading, and Access*, for more detailed provisions.

Table 28-2-12-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	**Use Type**	**Minimum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Hospitality			
Alcoholic Beverage Sales, On-Site Consumption	C	1 per 100 sf. of GFA	Sec. 28-2-16
Hotel, Full Service and Hotel, Residence	C	1 per guest room + 1 per 300 sf. of meeting rooms, ballrooms, and administrative offices + 1 per 100 sf. of GFA of integrated restaurants and bars that are open to the public (if applicable)	Sec. 28-2-16
Restaurant, Brew Pub, Winery or Distillery	C	1 per 75 sf. of GFA	Sec. 28-2-16
Restaurant, Dine-In	P	1 per 100 sf. of GFA	--
Office and Professional			
Bank, or Credit Union, and Financial Services without Drive-Through	P	1 per 300 sf. of GFA	--
Hospital	P	.5 per bed + 1 space per full- and part-time employee	--

Table 28-2-12-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	**Use Type**	**Minimum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Medical Office / Clinic, Lab, and Urgent Care Centers	P	1 per 300 sf. of GFA	--
Office, General	P	1 per 300 sf. of GFA	--
Research Laboratory	P	1 per 300 sf. of GFA	--
Public, Institutional, and Utility			
Adult Day Care Center	P	1 per 400 sf. of GFA	--
Day Care Center	P	1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students	--
Government Office (Post Office, Administration)	P	1 per 300 sf. of GFA	--
Governmental Service (Police, Fire, EMS)	P	1 per 300 sf. of GFA	--
Library	P	1 per 1,000 sf. of GFA	--
Place of Assembly, Indoor	P	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	--
Recreation and Amusement			
Recreation and Amusement, Outdoor	C	1 per 6 seats or 1 per 30 sf. if no permanent seats	Sec. 28-2-16
Recreation and Amusement, Indoor (other than listed)	C	1 per 4 seats; of if no seats; 1 space per 150 sf. of GFA	Sec. 28-2-16
Conference and convention center	C	1 per 4 seats or 1 per 30 sf. if no permanent seats	Sec. 28-2-16
Health and fitness club	C	1 per 400 sf. of GFA	Sec. 28-2-16
Massage Parlor	C	1 per 400 sf. of GFA	Sec. 28-2-16
Retail and Service			
Convenience Store without gas pumps	P	1 per 400 sf. of GFA	--
Drug Store	P	1 per 400 sf. of GFA	--
Dry Cleaning Establishment	P	1 per 500 sf. of GFA	--
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area			

E. **Landscaping and Buffering.** Displayed in Table 28-2-12-3, *Landscape Standards*, are the landscape surface ratio, street and district bufferyard, interior parking, and foundation planting requirements. Refer to, Division IV-2, *Buffering, Landscaping, and Screening*, for more detailed provisions.

Table 28-2-12-3
Landscape Standards

	Standard	Required
	Minimum Site Landscaping	
A	Pervious Area (%)	30
A	1 canopy tree, 2 small trees, and 2 shrubs per[1]	2,000 sf.
	Street Bufferyard Type	
B	Arterial Street	B
B	Collector Street	A
	District Bufferyard Type	
C	ER, SR, SU, MH, and PUD districts	B
C	GC, DD, SC, and IN	A
	Interior Parking Island Landscaping	
D	1 canopy tree in each landscape island per	164 sf.[3]
	Foundation Plantings	--
	Three shrubs, two ornamental grasses or two shrubs and three ornamental grasses per[2]	10 lf.

Illustrative

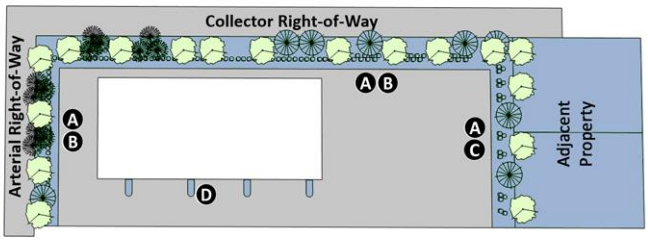


TABLE NOTES: sf. = square feet; lf. = linear feet

1. Measured for each 2,000 sf. or portion thereof
2. Required on building elevations parallel, or approximately parallel, to street right-of-way, parking lots, and drive-through lanes
3. 164 sf. is equal to one 9' X 18' parking stall.

F. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-12-4, *Permitted Sign Types*, are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-12-4
Permitted Sign Types

Sign Type	Nonresidential Use	Standards
Access	P	Sec. 28-3-33 and Sec. 28-3-34
Awning	P	
Canopy	P	
Directory	P	
Hanging	P	
Monument	P	
Wall	P	
Temporary	P	

TABLE NOTES: P = Permitted

Sec. 28-2-13. Downtown District (DD)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**.

1. *Character.* The character of the Downtown District (DD) is established by the types of buildings, where they're placed on a lot, and the context of these buildings in relation to one another and to the street. The buildings provide for a variety of land uses subject to the functional design of buildings, streets, and civic spaces as set out by the standards of this Section.
2. *Future Land Use*. The DD is designated as Urban Mixed-Use on the Future Land Use and Character Plan.

C. **Building Standards and Building Types**. Displayed in Table 28-2-13-1, *Building Standards*, and Figure 28-2-13-1, *Building Frontage Types*, are the standards for developing the uses listed below. The design standards for this district are found in Sec. 28-2-13, *Downtown*.

Table 28-2-13-1
Building Standards

	Building Types	SF Detached		SF Attached		Townhome	Mixed-Use	
		Single-Family	Patio	Duplex	Twin Home		Retail	Mixed-Use
	Building Frontage	OY / PO	OY / PO	OY / PO	OY / PO	PO	AG / SF	AG / FC / SF
	Legend: OY = Open Yard; PO = Porch; FC = Forecourt; SF = Storefront; AG = Arcade / Gallery; See Figure 28-2-13-1, *Building Frontage Types*.							
	Maximum Density and Bulk							
--	Units Per Acre[1]	6.5/6.0	8.6/8.0	9.7/8.8	9.7/8.8	15.5/14.0	45.0	75.0
--	Floor Area Ratio (FAR)	--	--	--	--	--	1.85	2.70
	Minimum Lot (per dwelling unit)[8]							
	Area (square feet)	6,000	4,500	4,000	4,000	2,500	1,500	--
	Width (feet)	50	45	40	80	25	35	--
	Minimum Building Setbacks (feet)							
C	Front[2,3]	25 / 19	25 / 19	25 / 19	25 / 19	6 - 8	0 - 5[4, 7]	0 - 5
D	Interior Side[3,5]	5	5 / 0 | 12	7.5 / 0 | 7.5	7.5 / 0 | 7.5	8 | 0	15	0 - 5
E	Street Side	20	20	20	20	12	0 - 5[4]	0 - 5
F	Rear[6]	20	15	15	15	20	25	0
--	Abutting SR or SU	equal to applicable setback of SR, or SU				25	30	30
	Maximum Building							
G	Coverage (percent)	0.40	0.45	0.55	0.45	0.65	see FAR above[4]	
H	Height (feet)	35	35	35	35	35	45	45
	Frontage (See Figure 28-2-13-2, Building Frontage Types)							
I	Forecourt (1) Depth and (2) Width (feet)							10 / 12
J	Storefront Canopy/Awning (1) Depth, (2) Setback from Curb and (3) Clearance (feet / percent / feet)						4 / 75 /8	4 / 75 /8

Table 28-2-13-1
Building Standards

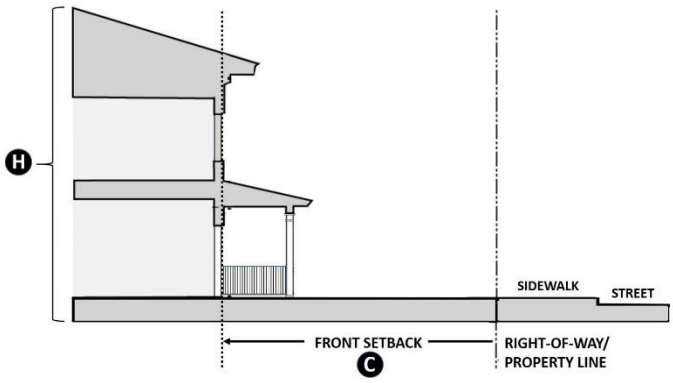
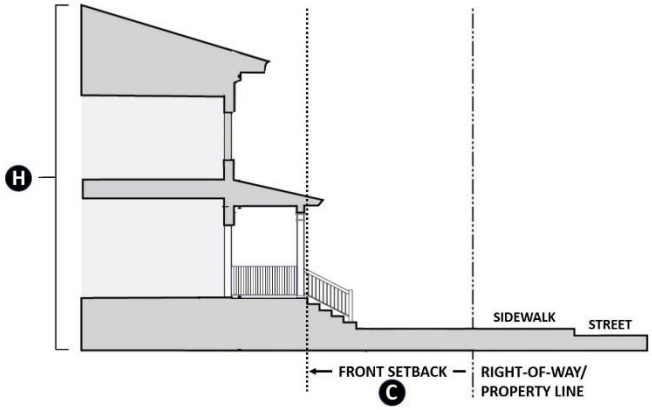
Building Types	SF Detached		SF Attached		Townhome	Mixed-Use	
	Single-Family	Patio	Duplex	Twin Home		Retail	Mixed-Use
Building Frontage	OY / PO	OY / PO	OY / PO	OY / PO	PO	AG / SF	AG / FC / SF
Legend: OY = Open Yard; PO = Porch; FC = Forecourt; SF = Storefront; AG = Arcade / Gallery; See Figure 28-2-13-1, *Building Frontage Types*.							
K	Gallery / Arcade (1) Ground Floor Height, (2) Upper Floor Height and (3) Total Height (feet)					11 / 9 / 20	11 / 9 / 20

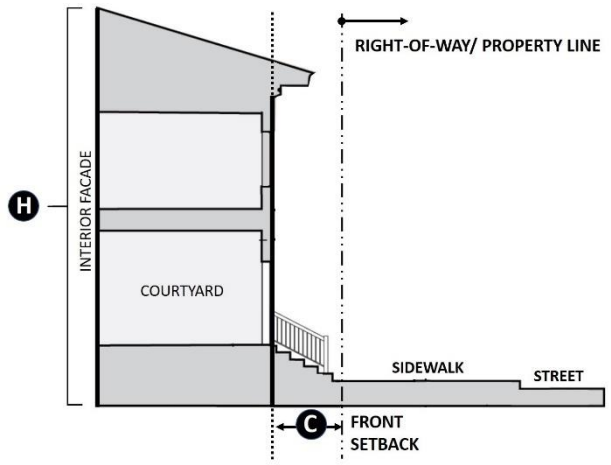
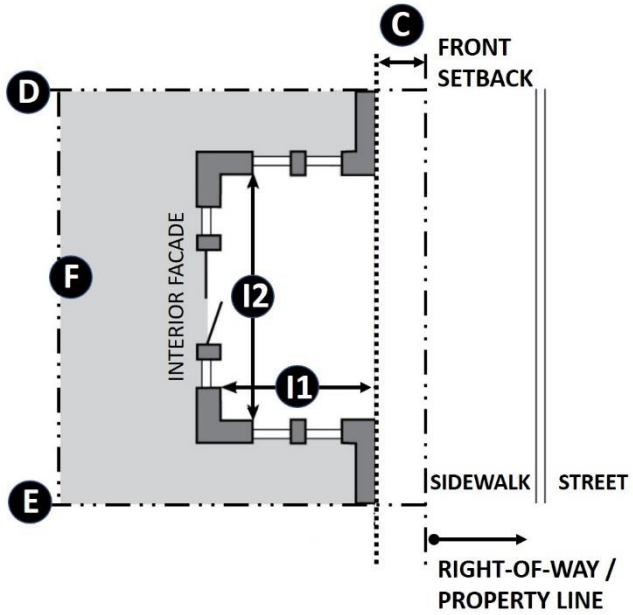
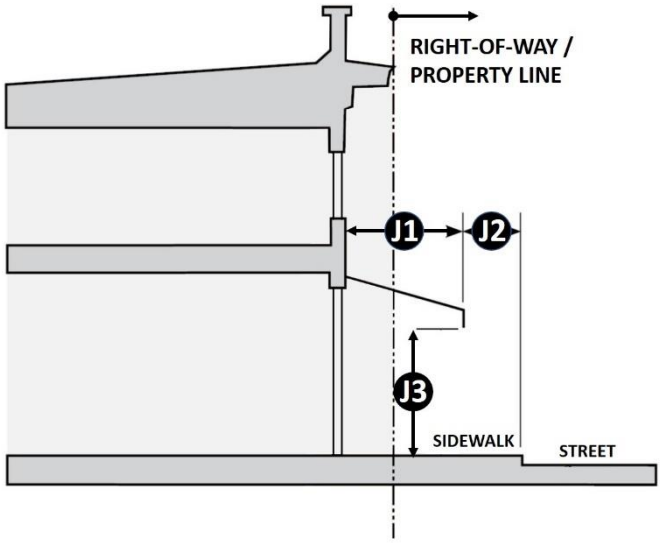
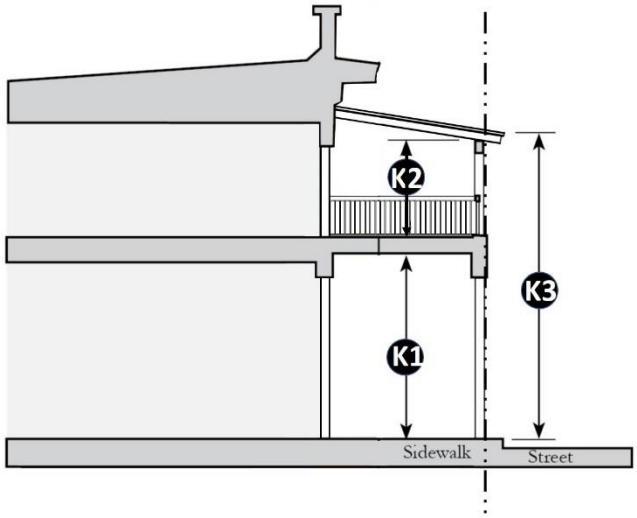
NOTES

1. Density without / with alleys.
2. Where the front setbacks of existing dwellings are less than 25', the front setback of an infill lot may be the average of the dwellings along the block face; excluding the infill lot.
3. Where two numbers are divided by "/", they represent the setbacks for the Open Yard (OY) and Porch (PO) frontage types; when divided by "-", they represent a build-to range; and when divided by "|", they represent a zero interior side yard on one site and x feet on the other interior side setback.
4. Multiple Retail Sales and Service uses located on a single parcel shall be arranged in clusters of multiple attached buildings and with internal drives. Buildings shall be arranged so that there is a minimum eight-foot and maximum 15-foot walkway along the front and sides of each cluster of buildings. No such cluster shall exceed 20,000 square feet in gross floor area.
5. Patio homes, duplexes, twin homes, and townhomes have a common party wall and zero setback on one interior side.
6. A minimum of 20 feet is required for head-in parking along an alley.
7. A front setback of 10 feet shall be permitted only if all automobile parking is provided for in the back of the building.
8. Minimum area and minimum width requirements are per unit requirements.

*The applicable building types must take primary access to these street types; secondary access may be to a collector street.

Figure 28-2-13-1
Building Frontage Types

Open Yard (OY)	Porch (PO)
	

Forecourt (FC)	Forecourt (FC)
	
Storefront (SF)	**Arcade / Gallery (AG)**
	

D. **Street Types.** The cross sections adopted in the City's Master Thoroughfare Plan (MTP) and as shown in Sec. 28-4-4.D, *Street Types*, are not applicable to the DD.

E. **Alleys.** Homes may front on an alley in the DD provided that the requirements of Sec. 28-4-5.C, *Alleys*, is met.

F. **Land Uses and Off-Street Parking.** Table 28-2-13-2, *Permitted Uses and Minimum Off-Street Parking Spaces*, shows the uses and use categories that are permitted by-right, as limited, or as special uses. See Sec. 28-2-16 *Conditional Use Standards* for additional requirements. Any unlisted use category in Table 28-2-13-2 is prohibited in this zoning district. See Sec. 28-3-15, *Off-Street Parking and Loading* for more detailed provisions.

Table 28-2-13-2
Permitted Uses and Minimum Off-Street Parking Spaces

Use Category	Use Type	Minimum Spaces	Cross-Reference
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Residential			
Single-Family Detached Dwelling	C	2 per dwelling unit	--
Patio Home	C	2 per dwelling unit	--
Single Family Attached Dwelling (duplex, twin home)	C	2 per dwelling unit	--
Townhome	C	1.5 per dwelling unit	--
Apartment	S	1.5 per dwelling unit	Sec. 28-2-17
Commercial and Mixed-Use			
Gas Station	S	1 per 600 sf. including service bays, wash tunnels, and retail areas	Sec. 28-2-17
Grocery / Retail	C	1 per 400 sf. of GFA	Sec. 28-2-16
Hotel Full Service or Inn	P	.8 per guest room + 1 per 600 SF public meeting area and restaurant space	--
Mixed-Use	P	Refer to the highest requirement of all of the uses within the proposed development	--
Massage Parlor	C	1 per 400 sf. of GFA	Sec. 28-2-16
Restaurant, Dine-In, no Drive-Thru	P	1 per 250 sf. of GFA	--
Office, General	P	1 per 400 sf. of GFA	--
Public, Institutional, and Utility			
Government Office (Library, Post Office, Administration)	P	1 per 400 sf. GFA	--
Government Service (Police, Fire, EMS)	C	1 per 300 sf. GFA	Sec. 28-2-16

Table 28-2-13-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	**Use Type**	**Minimum Spaces**	**Cross-Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Parks and Outdoor Recreation, Noncommercial	P	2 per 1 acre; minimum of 10 spaces	--
Place of Assembly, Indoor	C	Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area	Sec. 28-2-16
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area			

G. **Off-Street Parking Reductions**. Within the DD district only, remote parking including structured parking may be provided on another parcel and qualify for off-street parking subject to:

1. Access to the parcel proposed for development shall be on a property that is reasonably accessible to the parcel proposed for development; and
2. The distance from the parcel proposed for development to the remote parking lot shall not exceed 600 feet.

H. **Landscaping and Buffering**. Provided in Table 28-2-13-3, *Landscape Standards*, is the standards for development in this district on properties less than two acres in lot area. See Sec. 28-3-26, *Planting Standards*, for more detailed provisions.

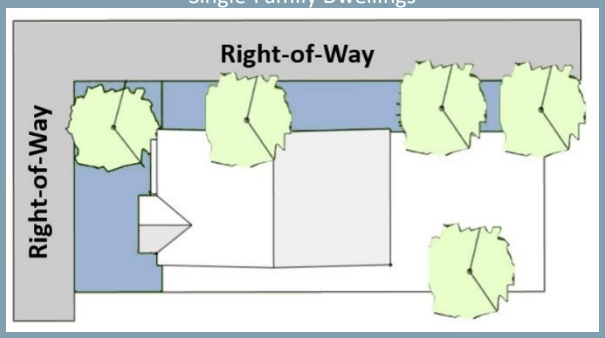
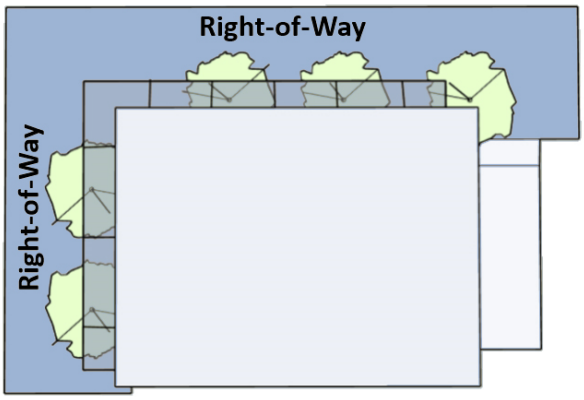
Table 28-2-13-3 Landscape Standards		Figure 28-2-13-2 Landscape Standards
Single-Family Detached		Single-Family Dwellings 
One canopy tree per "x" feet of street frontage	30 ft.	
One canopy tree per dwelling unit	--	
Single-Family Attached		
One canopy per "x" feet of street frontage	30 ft.	
One canopy tree per dwelling unit	--	
Multiple-Family (Apartment)		
Pervious Area (min.)	25%	
One canopy per "x" feet of street frontage [1]	20 ft.	
3 shrubs, 2 ornamental grasses or a combination per "x" linear feet of foundation [2]	10 lf.	
1 canopy tree, 2 small trees, and 2 shrubs per "x" square feet of pervious area	2,500 sf.	Commercial Buildings
One landscape island per "x" parking spaces [3]	15	
Bufferyard Type [4]	A	
Commercial and Mixed-Use		
Pervious Area	5%	

Table 28-2-13-3 Landscape Standards	
One canopy tree per "x" feet of street frontage	25 ft.
1 canopy tree, 2 small trees, and 2 shrubs per "x" square feet of pervious area	2,500 sf.

TABLE NOTES:

1. Tree wells in the public right-of-way may count toward the LSR with approval of the Public Works Director.
2. Required along the foundation of building elevations parallel, or approximately parallel, to street right-of-way and parking lots.
3. A landscape island must be no less than 164 sf., which must include one canopy tree and shrubs or groundcover.
4. Required when adjacent to a street or an ER or SR district. (See Sec. 28-3-7, *Bufferyards*)

Figure 28-2-13-2
Landscape Standards



I. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-13-4, *Permitted Sign Types*, are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-13-4
Permitted Sign Types

Sign Type	Nonresidential and Mixed Use	Standards
Access	P	Sec. 28-3-33 and Sec. 28-3-34
Awning	P	
Hanging	P	
Marquee	P	
Projecting	P	
Wall	P	
Window	P	
Temporary	P	

TABLE NOTES: P = Permitted and sign permit required

Sec. 28-2-14. General Commercial District (GC)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**. The standards of this Section apply to areas designated as *General Commercial* on the Future Land Use and Character Plan and denoted as GC on the Official Zoning Map. General Commercial areas include those for single-use and multi-tenant sites that vary in scale from individual sites, shopping centers, and big-box stores.

C. **Dimensional Standards.** Displayed in Table 28-2-14-1, *Dimensional Standards*, are the standards for developing the uses listed below. The design standards for this district are in Sec. 28-3-7, *General Commercial Design*.

Table 28-2-14-1
Dimensional Standards

	Standard	Requirements
	Site Intensity	
A	Maximum Gross Floor Area	200,000 sf.
--	Floor Area Ratio (FAR)	0.37
--	Landscape Surface Ratio (LSR)	0.25
	Minimum Lot	
B	Area	7,500 sf.
C	Width	70 ft.
	Minimum Setbacks	
D	Front	25 ft.
E	Interior Side[1]	10/20 ft.
F	Rear[1]	10/20 ft.
G	Street Side[2]	25 ft.
H	Parking[3]	25/15 ft.
	Marking Building	
I	Height	60 ft.
	Height Adjacent to Residential	35 ft.

Illustrative

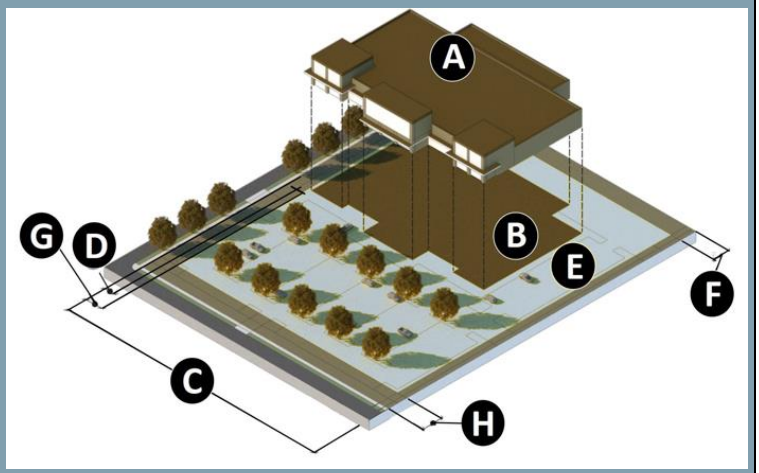


TABLE NOTES:

1. The first value is the standard when the property abuts a nonresidential and/or mixed-use district. The second value is the standard when the property abuts a residential district.
2. Parking within the street side yard requires an increase to the next higher bufferyard class. See Sec. 28-3-27, *Bufferyards.*
3. The first value is the standard when the property abuts a highway or arterial street. The second value is the standard when the property abuts a street with a classification below highway or arterial.

D. **Land Uses and Off-Street Parking.**

1. *Use Standards*. See Division II-3, *Use Standards*, for additional requirements.
2. *Parking Standards*. See Division III-2, *Parking, Loading, and Access,* for more detailed provisions.

Table 28-2-14-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Minimum Spaces**	**Maximum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*				
Automotive				
Automobile, Motorcycle, and Farming Vehicle Rental[1]	P	1 per 500 SF GFA	1 per 200 SF GFA	--
Automobile / Motorcycle Parts and Accessories Sales	P	1 per 500 SF GFA	1 per 200 SF GFA	--
Automobile / Vehicle Wash	P	1 per 4 bays for self-service washes; 1 per unattended automated wash; 5 per attended wash with detailing services	1 per 2 bays for self-service washes; 2 per unattended automated wash; 8 per attended wash with detailing services	--
Automobile / Motorcycle Repair, Light	P	3 per vehicle bay	5 per vehicle bay	--
Gas Station	P	1 per 400 SF GFA	1 per 200 SF GFA	--
Hospitality				
Alcoholic Beverage Sales, Off-Site Consumption	C	1 per 400 sf.	1 per 200 sf. GFA	Sec. 28-2-16
Alcoholic Beverage Sales, On-Site Consumption	C	1 per 200 sf.	1 per 100 sf. GFA	Sec. 28-2-16
Hotel, Full Service and Hotel, Residence	P	.8 per guest room + 1 per 600 SF public meeting area and restaurant space	1 per guest room + 1 per 400 SF public meeting area and restaurant space	--
Restaurant, Brewpub, Winery or Distillery	C	1 per 150 SF GFA	1 per 75 sf. GFA	Sec. 28-2-16
Restaurant, Dine-In	P	1 per 200 SF GFA	1 per 100 sf. GFA	--
Restaurant, Drive-Through	C	1 per 250 SF GFA	1 per space 150 SF GFA	Sec. 28-2-16
Office and Professional				
Bank, or Credit Union, and Financial Services with Drive-Through	C	1 per 450 sf. GFA	1 per 250 sf. GFA	Sec. 28-2-16
Bank, or Credit Union, and Financial Services without Drive-Through	P	1 per 450 sf. GFA	1 per 250 sf. GFA	--
Hospital	P	.5 per bed + 1 per full- and part-time employee	1 per bed + 1.5 per full- and part-time employee	--
Medical Office / Clinic, Labs, and Urgent Care Center	P	1 per 500 sf. GFA	1 per 250 sf. GFA	--
Office, General	P	1 per 400 sf. GFA	1 per 250 sf. GFA	--
Research Laboratory	P	1 per 1,000 sf. GFA	1 per 300 sf. GFA	--

Table 28-2-14-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Minimum Spaces**	**Maximum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*				
Public, Institutional, and Utility				
Adult Day Care Center	P	1 per 600 sf. of GFA	1 per 250 sf. of GFA	--
Airport / Heliport	S	See Sec. 28-3-19, *Special Studies*		--
Art Gallery / Museum	P	N/A	1 per 350 sf. of GFA	--
Assisted Living or Nursing Home	P	0.3 per bed + 0.75 per employee	1 per bed + 1 per employee	--
Cemetery / Funeral Services	S	NA	NA	--
Day Care Center	P	1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students	1 per employee + 1 per 5 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 8 students	--
Government Office (Post Office, Administration)	P	1 per 400 sf. GFA	1 per 150 sf. GFA	--
Governmental Service (Police, Fire, EMS)	P	1 per 300 sf. GFA	1 per 150 sf. GFA	--
Library	P	1 per 1,000 sf.	1 per 300 sf. of GFA	--
Park and Outdoor Recreation, Non-Commercial	P	2 per 1 acre; minimum of 10	5 per 1 acre; minimum of 10	--
Place of Assembly, Indoor	P	Greater of: 1 space per 350 sf. or 1 per 4 seats in the assembly area	Greater of: 1 per 200 sf. or 1 per 3 seats in the assembly area	--
School, High or Vocational	P	1 per employee + 1 per four students	1 employee + 1 per two students	--
School, Primary	P	1 per employee + 1 per five students	1 employee + 1 per three students	--
Water Storage Facility	C	1 per employee on largest shift	0.75 per employee on largest shift	Sec. 28-2-16
Wireless Communications Tower	S	1 per tower	3 per tower	See Chapter 8, Article VI of City's Code of Ordinances
Recreation and Amusement				
Amphitheater or Outdoor Performance Venue	C	1 per 6 seats or 1 per 50 sf. if no permanent seats	1 per 4 seats or 1 per 30 sf. if no permanent seats	Sec. 28-2-16

Table 28-2-14-2 Permitted Uses and Minimum Off-Street Parking Spaces				
Use Category	**Use Type**	**Minimum Spaces**	**Maximum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*				
Conference and Convention Center	C	See Sec. 28-3-19, *Special Studies*		Sec. 28-2-16
Driving Range, Freestanding	C	1 per 3 pads or 1 per 300 sf. of play area if no pads	1 per 1 pad or 1 per 100 sf. of play area if no pads	Sec. 28-2-16
Golf Course	C	5 per hole	10 per hole	Sec. 28-2-16
Health and Fitness Club	C	1 per 400 sf.	1 per 200 sf.	Sec. 28-2-16
Massage Parlor	C	1 per 400 sf.	1 per 200 sf.	Sec. 28-2-16
Recreation and Amusement, Indoor (other than listed)	C	1 per 6 seats or 1.5 per 450 sf. of GFA if no permanent sears	1 per 4 seats or 1.5 per 150 sf. of GFA if no permanent seats	Sec. 28-2-16
Recreation and Amusement, Outdoor (other than listed)	C	1 per 1,000 sf. outdoor recreation area	1 per 500 sf. outdoor recreation area	Sec. 28-2-16
Shooting or Archery Range, Indoor	C	1 per 3 bays or 1 per 100 sf. of firing area if no pads	1 per pad or 1 per 100 sf. of firing area if no pads	Sec. 28-2-16
Retail and Service				
Department Store	P	1 per 500 sf. of GFA	1 per 200 sf. of GFA	--
Dry Cleaning Establishment	P	1 per 500 sf. GFA	1 per 200 sf. GFA	--
Greenhouse / Nursery	C	1 per 500 sf. of retail area	1 per 200 sf. of retail area	Sec. 28-2-16
Hardware Store	P	1 per 500 sf. of GFA	1 per 200 sf. of GFA	--
Home Furnishing Store	P	1 per 1,000 sf. of GFA	1 per 500 sf. GFA	--
Kennel / Animal Shelter	C	1 per 600 sf. of GFA	1 per 200 sf. of GFA	Sec. 28-2-16
Lumber Yard	C	1 per 500 sf. of GFA	1 per 300 sf. of GFA	Sec. 28-2-16
Grocery / Retail	C	1 per 400 sf. of GFA	1 per 200 sf. GFA	--
Shopping Center	P	1 per 350 sf. of GFA	1 per 200 sf. GFA	--
Veterinary Clinic, Small Animal	P	1 per 600 sf. of GFA	1 per 300 sf. GFA	--
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area [1] Does not include a parking space for each rental vehicle.				

E. **Landscaping and Buffering.** Displayed in Table 28-2-14-3, *Landscape Standards*, are the landscape surface ratio, street and district bufferyard, interior parking, and foundation planting requirements. Refer to, Division IV-2, *Buffering, Landscaping, and Screening*, for more detailed provisions.

Table 28-2-14-3
Landscape Standards

	Standard	Required
	Minimum Site Landscaping	
A	Pervious Area (%)	25
A	One canopy tree, two small trees, and two shrubs per[1]	2,500 sf.
	Street Bufferyard Type	
B	Highway	C
B	Arterial Street	B
B	Collector and Local Street	A
	District Bufferyard Type	
C	ER, SR, SU, MH, and PUD districts	B
C	SC, DD, and SO	A
C	IN	C
	Interior Parking Island Landscaping	
D	One landscape island per "x" parking spaces[2]	20/30
D	One canopy story tree, 4 shrubs, and groundcover per[3]	164 sf.
	Foundation Plantings	--
	Three shrubs, two ornamental grasses or two shrubs and three ornamental grasses per[4]	10 lf.

Illustrative

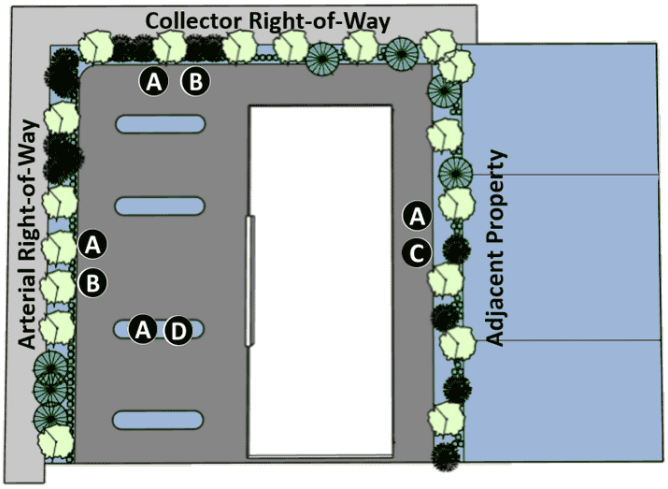


TABLE NOTES: sf. = square feet; lf. = linear feet

1. Measured for each 2,500 sf. or portion thereof
2. Required for parking lots in the front and street side setbacks / required for interior side and rear parking lots that do not face a public street
3. 164 sf. is equal to one 9' X 18' parking stall
4. Required on building elevations parallel, or approximately parallel, to street right-of-way, parking lots, and drive-through lanes

F. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-14-4, *Permitted Sign Types*, are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-14-4
Permitted Sign Types

Sign Type	Nonresidential Use	Standards
Access	P	Sec. 28-3-33 and Sec. 28-3-34
Awning	P	
Canopy	P	
Directory	P	

Table 28-2-14-4 Permitted Sign Types		
Sign Type	**Nonresidential Use**	**Standards**
Hanging	P	
Marquee	P	
Monument	P	
Projecting	P	
Wall	P	
Window	P	
Temporary	P	
TABLE NOTES: P = Permitted		

Sec. 28-2-15. Industrial District (IN)

A. **Purpose**. Refer to Sec. 28-2-3, *Districts Established*.

B. **Applicability**. The standards of this Section apply to areas designated as Industrial on the Future Land Use and Character Plan and denoted as IN on the Official Zoning Map. Industrial areas include those for light manufacturing, product assembly, and warehousing that are within a business park setting and where operations, activities, and storage or all conducted indoors.

C. **Dimensional Standards**. Displayed in Table 28-2-15-1, *Dimensional Standards*, are the standards for developing the uses listed below.

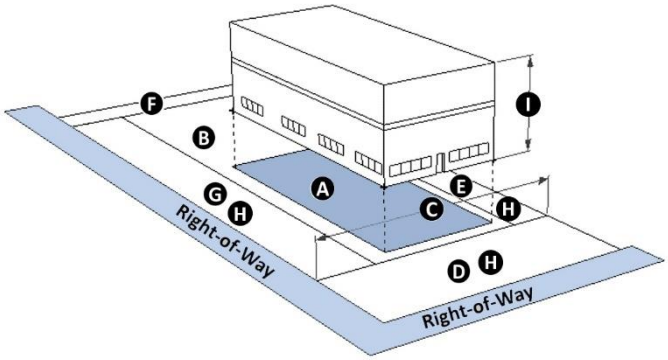
Table 28-2-15-1 Dimensional Standards			
Standard		**Requirements**	**Illustrative**
Site Intensity			
A	Floor Area Ratio (FAR)	0.450	
--	Landscape Surface Ratio (LSR)	0.15	
Minimum Lot			
B	Area	10,000 sf.	
C	Width	70 ft.	
Minimum Setbacks			
D	Front	30 ft.	
E	Interior Side[1]	15/20 ft.	
F	Rear[1]	15/20 ft.	
G	Street Side	30 ft.	
H	Parking[2]	10 ft.	
Marking Building			
I	Height	45 ft.	

Table 28-2-15-1 Dimensional Standards
TABLE NOTES: 1. The first value is the standard when the property abuts a nonresidential and/or mixed-use district. The second value is the standard when the property abuts a residential district. 2. Refer to Sec. 28-3-27, *Bufferyards*

D. **Land Uses and Off-Street Parking.**

1. *Use Standards*. Refer to Sec. *28-2-16, Conditional Uses,* for additional requirements.
2. *Parking Standards*. Refer to Sec. 28-3-14 *Off-Street Parking and Loading.* for more detailed provisions.

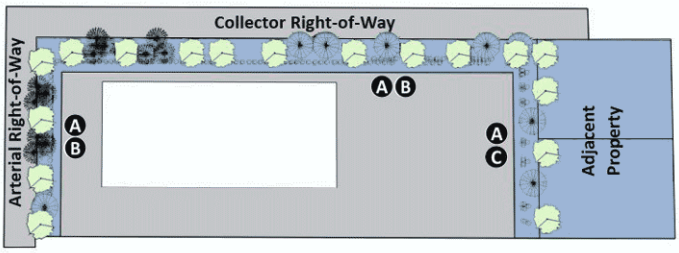
Table 28-2-15-2
Permitted Uses and Minimum Off-Street Parking Spaces

Use Category	Use Type	Minimum Spaces	Cross Reference
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Automobile			
Automobile / Motorcycle Parts and Accessories Sales	P	1 per 500 SF GFA	--
Auto Body Repair	P	3 per vehicle bay	--
Gas Station	P	1 per 600 sf. including service bays, wash tunnels, and retail areas	--
Manufacturing, Warehousing, and Wholesale			
Contractor's Shop and/or Service Yard	P	1 per 500 sf. of GFA and/or storage yard	--
Drill Site	S	1 per employee on the largest shift	Sec. 28-2-17
Heavy Machinery Sales and Rentals	C	1 per 250 sf. of GFA + 1 per 1,000 sf. of outdoor sales or display area	Sec. 28-2-16
Junkyard, Salvage Yard, and Wrecking Yard	S	1 per 10,000 sf. of GFA of the storage yard	Sec. 28-2-17
Landfill	S	1 per employee on the largest shift	Sec. 28-2-17
Manufacturing, Heavy	S	1 per employee on the largest shift	Sec. 28-2-17
Manufacturing, Light	P	1 per employee on the largest shift	--
Warehousing and Storage	P	1 per 300 sf. of office area plus 1 space per 1,000 sf. of warehouse	--
Office and Professional			
Medical Lab	P	1 per 300 sf. of GFA	--
Office, General	C	1 per 300 sf. of GFA	--
Public, Institutional, and Utility			
Governmental Service (Police, Fire, EMS)	P	1 per 300 sf. GFA	--
Park and Outdoor Recreation, Non-Commercial	P	1 per 2 acres; minimum of 10	--
Passenger Terminal	P	1 per 400 sf. of GFA	--

Table 28-2-15-2 Permitted Uses and Minimum Off-Street Parking Spaces			
Use Category	**Use Type**	**Minimum Spaces**	**Cross Reference**
Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, *New, Unlisted, and Prohibited Land Uses*			
Place of Assembly, Indoor	P	1 per 350 sf. or 1 per 4 seats in the assembly area, whichever is greater	--
Power Generation, Transmission, and Distribution (includes large solar collectors and windmills)	S	1 per employee on the largest shift	Sec. 28-2-17
School, High or Vocational	C	1 per employee + 1 per four students	Sec. 28-2-16
Water and/or Sewage Treatment Plant	P	1 per employee on the largest shift	--
Water Storage Facility	C	1 per employee on the largest shift	Sec. 28-2-16
Wireless Communications Tower	S	1 per tower	See Chapter 8, Article VI of City's Code of Ordinances
Recreation and Amusement			
Gambling / Gaming Facility	C	1 per 250 sf. of GFA	Sec. 28-2-16
Sexually Oriented Business	S	1 per 250 sf. of GFA	Sec. 28-2-18
Retail and Service			
Alternative Financial Service	C	1 per 250 sf. of GFA	Sec. 28-2-16
Hemp and Cannabinoid Sales	C	1 per 250 sf. of GFA	Sec. 28-2-16
Lumber Yard	C	1 per 500 sf. of GFA	Sec. 28-2-16
Pawn Shop	C	1 per 250 sf. of GFA	Sec. 28-2-16
Psychic, Tarot, and Palm Reader Services	C	1 per 250 sf. of GFA	Sec. 28-2-16
Tattoo Parlor and Body Piercing Establishments	C	1 per 250 sf. of GFA	Sec. 28-2-16
Veterinary Clinic, Large Animal	C	1 per 600 sf. of GFA	Sec. 28-2-16
TABLE NOTES: sf. = square feet; GFA = Gross Floor Area			

E. **Landscaping and Buffering.** Table 28-2-14-3, *Landscape Standards*, provides general standards for this zoning district. See Sec. 28-3-27, *Trees, Landscaping, and Buffering*, for more detailed provisions.

Table 28-2-15-3 Landscape Standards			
Standard		**Required**	**Illustrative**
Minimum Site Landscaping			
A	Pervious Area (%)	15	
Street Bufferyard Type			
B	Arterial Street	B	
	Collector Street	B	

Table 28-2-15-3 Landscape Standards			
Standard		**Required**	**Illustrative**
	Local Street	A	
District Bufferyard Type			
C	ER, SR, SU, MH, and PUD districts	C	
	GC, DD, SO, and SC	B	

F. **Signs**.

1. *Permitted Sign Types*. The sign types listed in Table 28-2-15-4, *Permitted Sign Types*, are permitted only if the requirements of DIVISION III-4, *Signs*, are met.
2. *Prohibited Sign Types*. Sign types not listed are prohibited in this zoning district.

Table 28-2-15-4 Permitted Sign Types		
Sign Type	**Nonresidential Use**	**Standards**
Access	P	Sec. 28-3-33 and Sec. 28-3-34
Awning	P	
Directory	P	
Hanging	P	
Monument	P	
Wall	P	
Window	P	
Temporary	P	
TABLE NOTES: P = Permitted		

DIVISION II-3: Use Standards

Sec. 28-2-16. Conditional Use Standards

A. **Purpose.** The purpose of this Section is to promote compatibility among land uses by establishing standards for the conditional uses indicated in the use tables in Div. II-2, *Zoning Districts*.

B. **Application.**

1. *Generally*. Uses shown as *conditional* may be approved only if they meet the standards of this Article and other applicable standards and requirements of this CDO.
2. *Timing of Compliance*. These standards apply at the time a conditional use is requested for an existing or new structure, or when an existing conditional use is proposed to be expanded by more than 10 percent of the gross square footage currently devoted to the use.
3. *Expansions*. This Section applies to an expansion of use whether it is to or within an existing building, in an outdoor area devoted to the use, or a combination of thereof.

4. *Uses Not Listed*. If there are conditional uses specified in Div. II-2, *Zoning Districts*, that are not included in this Section, all applicable standards of this CDO shall apply.
5. *Procedures*. For conditional uses, the Administrator shall use the criteria set out in this Section to determine whether to authorize a land use requested by an applicant or whether to recommend it for a decision of the Planning and Zoning Commission.
6. *Other Applicable Standards.* The standards of this Section are applied in addition to the other applicable standards of this CDO, specifically including:
   a. Article III, *Site Development;*
   b. Article IV, *Subdivision Regulations;* and
   c. Article VII, *Permits and Procedures.*

C. **Standards for Residential Uses.**

1. *Apartments in the Semi-Urban (SU) District*. Apartment buildings and complexes are permitted within a planned neighborhood subject to its standards and procedures.
2. *Child Care, Family Home and Child Care Facility, Group Home.*
   a. The operator shall meet all the certification, licensing, and/or monitoring requirements of the State of Texas;
   b. The operator shall comply with all home occupation requirements; and
   c. Signage is restricted to a single two square foot non-illuminated placard or nameplate that must be affixed flat against the exterior wall of the home.
3. *Single-Family Attached, Single-Family Detached, Patio Homes, and Townhomes in the Downtown District (DD)*. The use is permitted provided that it is within .25 miles of a non-residential use (*includes the use categories of Commercial & Mixed-Use and Public, Institutional, and Utility as listed in the Downtown District*).

D. **Standards for Agricultural Uses.**

1. *Kennel / Animal Shelter*. A kennel with one or more dog runs must comply with the following standards:
   a. A Type B Bufferyard (See Sec. 28-3-27, *Bufferyards*) with an opaque fence or wall is required along the property line of any residential district and adjacent to a public street;
   b. The use is located at least 100 feet from all other residential districts;
   c. The run(s) may not be used after 9:00 p.m. or before 7:00 a.m.;
   d. The minimum lot area is one acre;
   e. In a multi-tenant building, ventilation systems shall control odors and allergens and prevent their circulation into other parts of the building; and
   f. Fencing does not exceed six feet in height or eight feet in the IN district.
2. *Stable.* A stable shall be located no less than 100 feet from any property line.

E. **Standards for Public, Institutional, and Utility Uses.**

1. *Day Care / Pre School.*
   a. The operator shall meet all the certification, licensing, and/or monitoring requirements of the State of Texas;

b. No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials;

c. All outdoor activities shall be located a minimum of 50 feet from any residential use and separated by 50 feet and a Type B Bufferyard (See Sec. 28-3-27, *Bufferyards*) from any other residential district; and

d. There is adequate space on-site for temporary parking and drop-off and pick-up during peak times.

2. *Government Service (Police, Fire, Emergency Medical Services)*.

a. Direct vehicular access shall be provided from a collector or arterial street or highway; and

b. The use shall be separated by a Type B Bufferyard (See Sec. 28-3-27, *Bufferyards*) from any other residential district.

3. *Place of Assembly, Indoor.*

a. Expansion of the use meets the following criteria and standards:

i. The expansion will not encroach within 50 feet of residential use or district.

ii. A Type B bufferyard (See Sec. 28-3-27, *Bufferyards*) is required adjacent to all residential uses and districts; and

iii. Vehicular access is taken from a collector or arterial street or highway;

b. The use must be located in a permanent structure.

c. The use is conducted such that it does not create parking or traffic congestion or unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and

d. In the ER, SR, and SU districts, the use complies with Table 28-2-16, *Standards for Places of Assembly*.

Table 28-2-16
Standards for Places of Assembly

Standard	Zoning District		
	ER	SR	SU
Min. Lot Area	3 ac.	0.5 ac.	20,000 sf.
Min. Lot Width	200 ft.	90 ft.	70 ft.
Min. Building Setbacks (all sides)	20 ft.	35 ft.	Same as underlying district
Required Access	Collector Street	Collector or Arterial Street	Arterial Street or Highway
Required bufferyard along residential property lines	Type A	Type B	Type C

4. *School, Primary*.

a. Off-street parking is prohibited on non-contiguous lots; and

b. Vehicular access is taken from a collector or arterial street.

F. **Standards for Commercial Uses.**

1. *Alcoholic Beverage Sales, On- or Off-Site Consumption*.

   a. The use shall be in compliance with the Texas Alcoholic Beverage Code;

   b. Pursuant to Section 109.33 of the Texas Alcoholic Beverage Code, the use shall not be located within 300 feet from a place of public assembly, public hospital, public or private school, and/or day care center or child care center, in accordance with Texas Alcoholic Beverage Code Section 109.33;

   c. If at any time an establishment receives an alcoholic beverage permit or license from the Texas Alcoholic Beverage Commission and the establishment satisfies the separation requirement above, then the establishment is deemed to satisfy the distance requirements for all subject renewals of the license or permit.

2. *Alternative Financial Services.* The use:

   a. Shall not be located on a site that is within:

      i. 1,000 feet of a site that contains another tobacco specialty store use;

      ii. 200 feet of a property in a district in which a residential use is allowed or located;

      iii. 300 feet of a place of assembly, school, or hospital; and

      iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.

   b. Shall only be located within a freestanding structure and may not be co-located in the same structure with other uses.

3. *Automobile and Vehicle Wash*.

   a. Ordering/pay stations facing abutting residentially zoned or used property shall be buffered with a Type B Bufferyard (See Sec. 28-3-27, *Bufferyards*);

   b. Each vehicle wash bay shall provide a minimum of three stacking spaces per vehicle wash bay; and

   c. Stacking spaces shall measure eight feet by 20 feet with direct forward access to any payment station and wash bays, which does not occupy any circulation driveway, required off-street parking space, or maneuvering area.

4. *Bank, Credit Union, and Financial Services.* When including a drive-through facility the facility shall:

   a. Not be located within the front yard;

   b. Customer service stations facing abutting residentially zoned or used property shall be buffered with a Type B bufferyard (See Sec. 28-3-27, *Bufferyards*);

   c. Each service window or station, human or mechanical, shall provide a minimum of five stacking spaces; and

d. Stacking spaces shall measure eight feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.

5. *Conference and Convention Center.* If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 PM and 6:00 AM

6. *Driving Range, Freestanding*. If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 PM and 6:00 AM.

7. *Gambling / Gaming Facility.* The use

   a. May not be located on a site that is within:

      i. 1,000 feet of a site that contains another gaming establishment;

      ii. 200 feet of a property in a district in which a residential use is allowed or located;

      iii. 300 feet of a place of assembly, school, or hospital; and

      iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.

   b. Shall be located within a freestanding structure and may not be co-located in the same structure with other uses.

8. *Golf Course.* If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 PM and 6:00 AM.

9. *Greenhouse / Nursery / Garden Center.*

   a. Outdoor display areas shall be enclosed with a fence or wall that is in compliance with Sec. 28-3-28, *Landscaping and Screening;*

   b. Bags of mulch, sand, pebbles, rock, or other non-vegetative ground covers will not be stacked to a height in excess of six feet; and

   c. The display of goods, materials, and merchandise will not be located in a parking lot or reduce the minimum required parking or loading for the use.

10. *Grocery / Retail.*

    a. *Downtown (DD) District*. The use shall not exceed 20,000 sq. ft.

    b. *General Commercial (GC) District*. Within 300 feet of the DD District the use shall not exceed 50,000 sq. ft.

11. *Health and Fitness Club.* If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 PM and 6:00 AM

12. *Heavy Machinery Sales and Rentals.*

    a. All equipment stored outside the principal business shall:

       i. Be located on an asphalt or concrete surface;

       ii. Not be located on any minimum required parking spaces for the use; and

       iii. Located outside of the right-of-way.

b. No inoperable materials are stored on-site, unless within an enclosed building, or otherwise totally screened from view.

13. *Hemp and Cannabinoid Sales*. Hemp and cannabinoid sales shall not be located on a site that is within:
    a. 1,000 feet of a site that contains another location where hemp and cannabinoid sales is permitted;
    b. 200 feet of a property in a district in which a residential use is allowed or located;
    c. 300 feet of a place of assembly, school, or hospital; and
    d. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.

14. *Lumber Yard*.
    a. Direct vehicular access shall be provided from a collector or arterial street or highway;
    b. The use shall be located such that truck traffic can access the use without traveling on public right-of-way within or adjacent to any residential district or use, or adjacent to any park or recreational area or facility.
    c. Outdoor storage areas shall:
        i. Be limited to no more than 30 percent of the gross floor area of the principal building;
        ii. Be located in the side or rear yard, provided they do not abut a residential district or use;
        iii. Be used only for the storage of lumber and associated materials and not for storage of solid or liquid waste, inoperable machinery or vehicles, or materials that generate dust or attract pests;
        iv. Be on an improved hard surface (including crushed granite);
        v. Be enclosed by an approved fence or wall (see Sec. 28-3-19, *Fences and Walls*) with a minimum height equal to that of the stored and/or displayed materials and not exceeding the height of the principal building; and
        vi. Not reduce the required minimum parking required. (See Division III-2, *Parking, Loading, and Access*).
    d. The use shall be surrounded by a Type B Bufferyard. (See Sec. 28-3-27, *Bufferyards*).

15. *Massage Parlor.* Each facility established after the effective date of this ordinance must meet the following (unless the use is exempt per Sec. 455.155 of the Texas Occupations Code):
    a. The use may only operate between the hours of 8:00 A.M. to 10:00 P.M. each day;
    b. Outside windows of a massage establishment shall be transparent and the view from the outside into the lobby or waiting area shall be unobstructed;
    c. All doors shall remain unlocked during the normal business hours;
    d. At no time shall a massage establishment provide a residence or dwelling to accompany this occupancy; and
    e. Licenses issued by the State for the establishment and the people working in it who are required to have a State license must be displayed and easily viewable with the lobby or waiting area.

16. *Office, General; Medical Clinics, Offices, and Labs; and Urgent Care Centers.* In the SC district, the gross floor area of the principal use shall not exceed 17,000 square feet.

17. *Hotel, Full Service and Hotel, Residence*. All hotels shall meet the following minimum standards:

    a. Incorporate an attached, covered, drive-through area adjacent to the main building entry and lobby area for the temporary parking of vehicles during guest check-in and check-out.

    b. Hotels shall be located on a site of no less than three acres; and

    c. Management staff shall be on-site for 24 hours a day, seven days a week;

    d. Hotels that provide direct access to guest rooms from exterior doorways are prohibited;

    e. All guest rooms are accessed from an interior corridor which is accessible primarily from an interior lobby area, and no guest room has any direct exterior doorway;

    f. Outdoor swimming pool areas and outdoor sports courts shall be screened from ground-level public view from any public street right-of-way, public plaza/space, public parking area, and area of residential use through a combination of these facility's location on the site relative to the hotel buildings and the following:

        i. Installation of permanent screening walls designed in accordance with standards established in Sec. 28-3-28.D, *Nonresidential and Multifamily Uses* and constructed with materials and colors that match or are consistent with the design of the principal building; or

        ii. A Type A bufferyard shall be required around the perimeter of the outdoor swimming pool facility.

    g. All hotels shall include a minimum of three of the following amenities:

        i. Meeting rooms of at least 1,000 square feet;

        ii. Designated areas for the service of continental breakfast;

        iii. Full-service restaurant available to both hotel guests and other patrons with a minimum capacity of 50 seats.

        iv. Full-service spa facility;

        v. Combination indoor/outdoor swimming pool;

        vi. Indoor swimming pool;

        vii. Outdoor swimming pool;

        viii. Fitness center/weight room; or

        ix. Outdoor landscaped seating and gathering area for guest use with amenities such as:

            a. Fountains or other water features;

            b. Outdoor fireplaces or fire pits;

            c. Gazebo or other space for wedding or group photographs; or

d. Other amenities conducive to guest leisure during a hotel stay.

h. All uses defined as Hotel, Residence in Sec. 28-9-3, *Land Use Definitions*, shall also include self-service laundry facilities on-site for guest use.

i. Uses defined as Hotel, Full Service in Sec. 28-9-3, *Land Use Definitions*, shall not equip more than five percent of the total guest rooms with cooking equipment except for a microwave oven.

18. *Pawn Shop*. The use:

a. Shall not be located on a site that is within:

i. 1,000 feet of a site that contains another tobacco specialty store use;

ii. 200 feet of a property in a district in which a residential use is allowed or located;

iii. 300 feet of a place of assembly, school, or hospital; and

iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.

b. Shall only be located within a freestanding structure and may not be co-located in the same structure with other uses.

19. *Private Club*. Shall not be located on a site that is within:

a. 1,000 feet of a site that contains another private club use;

b. 200 feet of a property in a district in which a residential use is allowed or located;

c. 500 feet of the right-of-way of FM 359; or

d. A freestanding structure and may not be co-located in the same structure with other uses.

20. *Psychic, Tarot, and Palm Reader Services*. The use:

a. Shall not be located on a site that is within:

i. 1,000 feet of a site that contains another psychic services use;

ii. 200 feet of a property in a district in which a residential use is allowed or located;

iii. 300 feet of a place of assembly, school, or hospital; and

iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.

b. Shall only be located within a freestanding structure and may not be co-located in the same structure with other uses.

21. *Recreation and Commercial Amusement, Indoor*. If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 PM and 6:00 AM.

22. *Recreation and Commercial Amusement, Outdoor*.

a. Amphitheater stages and drive-in screens shall face away from the nearest residential uses; and

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

23. *Restaurant, Drive-Through*.
    a. The drive-through shall not be located within the front yard;
    b. Ordering stations facing abutting residentially zoned or used property shall be buffered with a Type B bufferyard (See Sec. 28-3-27, *Bufferyards*);
    c. Each service window or station, human or mechanical, shall provide a minimum of five stacking spaces; and
    d. Stacking spaces shall measure eight feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
24. *Restaurant, Brewpub, Winery or Distillery*.
    a. The requirements of Subsection F.1 of this Section, *Alcoholic Beverage Sales, On- or Off-Site Consumption*, shall apply if alcoholic beverages are to be served;
    b. No outdoor storage is allowed on-site;
    c. All beverage production activities shall be located within a completely enclosed building, and, in the DD district, designed with noise-resistant materials;
    d. All by-products or waste from production of beverages shall be disposed of off-site;
    e. Loading docks and service doors shall not be oriented or face a residentially zoned or used property; and
    f. The use shall be separated from residential districts and uses by a Type B bufferyard. (See Sec. 28-3-27, *Bufferyards*)
25. *Shooting or Archery Range, Indoor*. If the use is located within 400 feet from a residentially zoned property then the use shall be prohibited from operating between 10:00 PM and 6:00 AM.
26. *Tattoo Parlors and Body Piercing Establishments*. The use within:
    a. Shall not be located on a site (as either a primary or accessory use) that is:
        i. 1,000 feet of a site that contains tattoo parlor and body piercing establishment;
        ii. 200 feet of a property in a district in which a residential use is allowed or located;
        iii. 300 feet of a place of assembly, school, or hospital; and
        iv. 500 feet of the right-of-way of FM 359, FM 1093, or Texas Heritage Parkway.
    b. Shall only be located within a freestanding structure and may not be co-located in the same structure with other uses.

G. **Transportation, Utility, and Communication Uses.**

1. *Water Storage Facility.* Direct vehicle access is provided from a road classified as a collector, arterial, or major thoroughfare.

Sec. 28-2-17. Specific Use Standards

A. **Purpose**. This Section sets out the criteria to be used in deciding the appropriateness of a specific use and the application of standards or conditions for such uses. The standards of this Section apply to all specific uses set out in Division II-2, *Zoning Districts*.

B. **Specific Use Permit Required**. A Specific Use Permit is required for:
   1. All residential and non-residential land uses identified as a Specific Use in Division II-2, *Zoning Districts*.
   2. A land use that is being proposed to be transferred from a legally nonconforming use to be legally conforming per Division V-3, *Conversion of Nonconforming Uses*.

C. **Criteria.** In review of Specific Use Permit applications pursuant to the specific uses established in the by Zoning District; the Administrator, the Planning and Zoning Commission, and the City Council shall utilize the following criteria:
   1. The proposed specific use will operate or be designed in a manner that does not diminish the use or functionality of surrounding properties;
   2. Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have been provided;
   3. Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to any existing uses;
   4. The proposed use will incorporate design features to sufficiently protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and building placement; and
   5. The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.

D. **Additional Standards for Sexually Oriented Businesses.** In addition to complying with all provisions within this section, all land uses that qualify as a sexually oriented business must fully comply with the standards established in Sec. 28-2-18, *Sexually Oriented Businesses* to receive a specific use permit.

E. **Conditional Approval.** The City Council may require additional conditions above the standards listed in Sec. 28-2-17(C), above to reasonably mitigate any adverse impacts upon surrounding properties in the zoning district of the property for which the specific use is requested.

F. **Standards for Residential Uses**.
   1. *Manufactured Home.* The structure must be compliant with the U.S. Housing and Urban Development (HUD) Code and shall meet the following standards:
      a. The manufactured home must be located within a manufactured home park and must comply with all provisions of Sec. 28-3-5, *Manufactured Homes*;
      b. The home may have no less than 900 square feet of floor area and a minimum exterior with of 18 feet;
      c. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run; and
      d. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

2. *Manufactured Home Park.*
   a. All manufactured homes must be compliant with the U.S. Housing and Urban Development (HUD) Code and built on a permanent foundation. Mobile homes are prohibited.
   b. A certification of compliance with all ordinances and regulations regarding manufactured home licensing, zoning, health, plumbing, electrical, building, fire protection, and any other applicable requirements shall be required.
   c. All individual manufactured home units and common facilities shall be supplied with an adequate supply of hot and cold water for both drinking and domestic purposes and standard electrical service, providing at least one 120-volt and one 240- volt electrical service outlet to each manufactured home space.
   d. Each individual manufactured home within the manufactured home park must meet all specific use standards of this Section.

G. **Standards for Nonresidential Uses**.
1. *Junkyard, Salvage Yard, and Wrecking Yard*. All material shall be stored within a fully enclosed building, or otherwise screened 100 percent from view, consistent with the screening requirements in Sec. 28-3-28, *Screening and Fencing*.
2. *Kennel / Animal Shelter*. A kennel with one or more dog runs must comply with the following standards:
   a. A Type B Bufferyard with an opaque fence or wall is required along the property line of any residential district and adjacent to a public street;
   b. The use is located at least 100 feet from all other residential districts or is sound attenuated such that the sound is not audible at the property line;
   c. The run(s) may not be used after 9:00 p.m. or before 7:00 a.m.;
   d. The minimum lot area is one acre;
   e. In a multi-tenant building, ventilation systems shall control odors and allergens and prevent their circulation into other parts of the building; and
   f. Fencing does not exceed six feet in height or eight feet in the IN district.
3. *Manufacturing, Heavy.* All heavy manufacturing uses shall:
   a. Be located no closer than 500 feet from any residential district or use as measured along a straight line from the closest lot lines;
   b. Take access from an arterial or collector street;
   c. Be surrounded by a Type C Bufferyard (See Sec. 28-3-27, *Bufferyards*.);
   d. Have a truck routing plan created showing the ingress and egress locations to the site that shows how the site will not be accessed by a local street; and
   e. Have all activities will take place within an enclosed building.

Sec. 28-2-18. Sexually Oriented Businesses

A. **Purpose.** It is the purpose of this Section 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 Section 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 Section 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 Section 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. **Supplemental Standards**. In no event shall usage of land or structures for Sexually Oriented Businesses be approved unless they meet the following supplementary use standards:

1. *Distance from Specific Land Uses.* A Sexually Oriented Business shall be located at least 1,000 ft. from a place of public assembly, a school, a day care facility, the boundary of a residential area, a property zoned residential or commercial, 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, or another Sexually Oriented Business. Measurements for purposes of this Section 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 land uses listed above.
2. *Subsequent Land Use Approval.* A Sexually Oriented Business lawfully operating under the terms of this Section is not rendered in violation of this Section by the subsequent location of a church, public or private elementary or secondary school, day care center, public park, area subsequently zoned residential, or subsequently put to residential use.

Sec. 28-2-19. Accessory and Temporary Use Standards

A. **Generally.** This section shall apply to all accessory uses, buildings and structures.

B. **Applicability.** 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.

C. **Accessory Use Standards.**

1. *Accessory Building Height.* All accessory buildings shall not exceed 12 feet in height and must be within building line setbacks as outlined stated in the underlying zoning district of the property containing the principal use. The height for barns and sheds in the ER districts shall not exceed 40 feet.
2. *Residential Accessory Uses.* Shall include, but not be limited to, the following accessory uses, activities and structures:
   a. Fences and walls. (See Sec. 28-3-28, *Screening and Fencing*);

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;

c. Gates and guard houses;

d. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;

e. Radio and television receiving antennas and support structures, except ham radio towers;

f. Recreational facilities for the use of residents;

g. Keeping of domestic animals for noncommercial purposes;

h. Solar energy systems; and

i. Other necessary and customary uses determined by the Building Official or Administrator to be appropriate, incidental and subordinate to the principal use on the lot.

3. *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;

h. Accessory structures for training employees and/or volunteers that are associated with the permitted land use of Governmental Service (Police, Fire, EMS); and

i. Other necessary and customary uses determined by the Administrator to be appropriate, incidental and subordinate to the principal use on the lot.

4. *Accessory Dwelling Unit.*

a. Generally.

i. Either the principal or accessory unit must be occupied by the property owner;

ii. One additional parking place must be available on the lot;

iii. All utility connections and services shall be for the address of the principal dwelling only; and

iv. Garages may not be converted unless replacement garage spaces are provided elsewhere on the lot.

b. Attached Units.

i. The accessory dwelling may be no larger than 25 percent of the gross floor area of the principal dwelling;

ii. If included as a second story above a garage, the height may not exceed that of the principal dwelling;

iii. When a principal dwelling is expanded to accommodate an attached unit, the expansion shall be designed and finished to match the design, materials, and color(s) of the principal dwelling; and

iv. Exterior doors to the accessory dwelling may not be located on a front or corner street yard.

c. Detached Units.

i. The accessory dwelling may be no larger than 40 percent of the gross floor area of the principal dwelling;

ii. A minimum of 20 feet must separate the principal and accessory dwellings; and

iii. The accessory dwelling may not exceed the height of the principal dwelling.

5. *Bed and Breakfast*.

a. The minimum gross habitable floor area is not less than 400 square feet per rooming unit;

b. The lot is conforming relative to the standards of this CDO;

c. Meals are for overnight guests only (use of the home for an external catering service is prohibited);

d. Private events are allowed only by issuance of a specific use permit;

e. There may be only one non-resident employee;

f. The home is inspected and has a written record indicating that it meets all applicable building and fire codes prior to occupancy;

g. The principal use of the bed and breakfast home is a single-family dwelling;

h. The business is conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and

i. Signage is limited to a maximum two square foot single, non-illuminated placard or nameplate that is affixed flat against the exterior wall of the home.

6. *Child Care, Family Home and Child Care Facility, Group Home*.

a. The operator must reside on the premises;

b. The use shall be clearly accessory to the residential use;

c. The use shall meet State registration and licensing requirements;

d. The resident operator, if not the owner of the property, shall provide a letter of authorization from the property owner.

e. Outdoor play areas are enclosed by a fence that is at least six feet in height.

f. The use shall be accessed by a public street.

7. *Community Garden*.

a. Floor area of all structures shall not exceed 15 percent of the total lot area;

b. Composting shall be limited to plant materials generated on-site and non-vegetative materials such as wood chips; and

c. Water for purposes of maintaining the garden and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off- site connection to the municipal water service.

8. *Home Occupation.*

a. The occupation shall be conducted entirely within the principal dwelling.

b. Wholesale and retail sales and services are prohibited where the buying and selling transaction occurs on the residential property. Nothing in this regulation shall preclude transactions made entirely online.

c. Signage identifying the home occupation is prohibited.

d. There shall be no visible storage of equipment, products, or materials from any public right-of-way.

e. The use shall not create undue noise, vibration, or odors.

f. The occupation does not require the delivery or shipment of materials, merchandise, goods, or equipment by any means other than passenger motor vehicles, one-ton step-up vans, or similar-sized trucks that are less than seven tons gross vehicle weight.

g. No persons other than the immediate family residing at the home may work at the home occupation.

h. Parking needs generated by the home occupation must be satisfied on-site without any automobile parking in the public right-of-way.

i. The occupation must be operated in accordance with all applicable state and federal laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.

D. **Temporary Use Standards.** The following temporary use standards are permitted through a temporary use permit. See Sec. 28-7-20, *Temporary Use Permit.*

1. *Model Homes*. 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 the following:

a. *Installation Timeframe.* 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 50 feet thereafter.

b. *No Residential Inhabitance.* 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.

c. *Conversion Back to Residential.* 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.

d. *Commercial Uses Prohibited.* No model home shall be used for commercial purposes other than the model home itself being used to sell a similar home within the City.

e. *Duration of Use.* See Sec. 28-7-20, *Temporary Use Permit*.

2. *Containers.*

a. *No Permanency Except IN District.* Steel shipping containers are not permitted in any zoning district as permanent storage sheds except the IN District.

b. *Design.* Permissible containers are designed for temporary, residential storage use only and shall be set on the ground (no wheeled storage is allowed).

c. *Duration of Use.* See Sec. 28-7-20, *Temporary Use Permit*.

3. *Temporary Construction Buildings.* Temporary construction buildings are permitted provided that:

a. All buildings are set back at least 10 feet from all lot lines;

b. The building may not be used as a residence; and

c. The building is removed prior to the issuance of a certificate of occupancy for the last building as detailed on an approved site plan.

4. *Temporary Construction Dumpsters.* Temporary construction dumpsters are permitted provided that:

a. The dumpster is set back at least 10 feet from all lot lines;

b. The dumpster does not obstruct any required parking lot requirements;

c. All refuse from the site shall be contained within the dumpster and screened appropriately to ensure that all refuse is not removed by either wind or wildlife; and

d. The dumpster is removed no later than five days after project completion.

5. *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 Sec. 28-3-25, *Landscaping Requirements.* 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. *Restrooms Required.* 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. *Duration.* Temporary sales trailers are permitted no longer than 12 months. Extensions to this requirement may be granted. See Sec. 28-7-20, *Temporary Use Permit.*

Sec. 28-2-20. New, Unlisted, and Prohibited Land Uses

A. **Prohibited Land Uses throughout the City.**

1. *New Uses*. Land uses specifically prohibited throughout the municipal limits of the City of Fulshear include, but are not limited to:
   a. Automobile, Motorcycle, and Farming Vehicle Sales; and
   b. Mobile Homes.
2. *Existing Uses*. Land uses that are prohibited by this CDO may remain as a nonconforming use. See Sec. 28-5-3, *Uses*.

B. **Authorization of Proposed Use.**

1. *Administrator Discretion.* If a proposed use is not specified in Article II, Division 2, *Zoning Districts*, the Administrator shall make a determination as to whether the use is either a subcategory or functionally similar to a specifically identified use.
2. *Referral to Planning and Zoning Commission.* Should the administrator feel that it is necessary, he or she may refer the determination of whether a use is a subcategory or functionally similar to a specified use to the Planning and Zoning Commission.

C. **If Not Authorized Then Prohibited.** If the Administrator determines that a proposed use is not a subcategory of, or functionally similar to a listed use then the use is a prohibited use.

D. **Decision Criteria.** The following decision criteria shall be evaluated by the Administrator, or at the Administrator's discretion, the Planning and Zoning Commission, to decide whether a proposed use is a subcategory of, or is functionally comparable to, a use specifically identified in Article II, Division 2, *Zoning Districts*:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and trucks);
3. Impervious surface;
4. Regulated air or water emissions;
5. Noise;
6. Lighting;
7. Dust;
8. Odors;
9. Solid waste generation;
10. Potentially hazardous conditions, such as projectiles leaving the site;
11. Use and storage of hazardous materials;
12. Character of buildings and structures;
13. How the use is advertised;
14. Nature and impacts of operation; and

15. Hours of operation.

CITY OF FULSHEAR
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ARTICLE III: SITE DEVELOPMENT

DIVISION III-1: Building Design

Sec. 28-3-1 Purpose and Applicability

A. **Purpose.** The purpose of this Division is to address the quality and design of buildings and their development sites. The standards seek to:

1. Preserve and enhance the visual character of the City;
2. Ensure all buildings are constructed of quality, durable materials;
3. Promote and maintain quality economic development and the aesthetic character and scenic attractiveness of the City as it develops;
4. Safeguard and enhance property values and the City's tax base and protect public and private investments.
5. Improve the appearance of nonresidential, multi-family residential, and mixed-use developments within the City given their visibility along the community's primary and secondary roadway corridors;
6. Establish reasonable building design standards and related guidance to address community desire for visually appealing nonresidential, multi-family residential, and mixed-use development that enhances the quality of life of City residents while balancing the legitimate development and commercial needs of property owners;
7. Ensure that buildings for nonresidential, multi-family residential, and mixed-use development are well-designed, energy- and resource-efficient, and constructed with high-quality, durable materials that contribute to the sustainability of the City;
8. Enhance the security of residents, visitors and workers by incorporating Crime Prevention Through Environmental Design (CPTED) principles and considerations into the design and approval processes for nonresidential, multi-family residential, and mixed-use development in the City;
9. Ensure that all building sites and developments are functional, safe, and attractive; and
10. Create community character that conveys a positive, lasting impression on both residents and visitors.

B. **Applicability**. The standards of this Division apply to new development, redevelopment, substantial improvement, and expansion of single and multiple-family, nonresidential, office, and mixed-use development.

Sec. 28-3-2 General Building and Site Design Standards

A. **Generally**. The standards of this Section set out design standards for elements that are used on multiple building types. All multiple-family, nonresidential, and mixed-use buildings shall conform to the standards contained in this section.

B. **Development within Close Proximity to the Downtown District**. All new development within 1,000 feet of the Downtown District (DD) regardless of their base zoning district shall:
   1. Mass their buildings together when feasible;
   2. Modify their site plans to create a regionalized approach to development which includes provisions for all terms of site development as required by this Article; and
   3. Enter into shared parking agreements per Sec. 28-3-12, *Shared Parking*, whenever feasible to do so.

C. **Freestanding and Attached Canopies and Porte-Cocheres**. The design of freestanding canopies, such as those used as shelters for pump islands at automobile service stations, and the design of attached canopies and porte-cocheres, shall match or be consistent with the architectural style, principal and accent materials, colors, and lighting of the principal building on the development site.
   1. Cladding and finishes for support columns and other vertical structural components shall match or be consistent with the principal and accent materials of the principal building;
   2. The roof structure of the canopy shall match or be consistent with the roof structure of the principal building in terms of pitch, roofing materials, and colors; and
   3. Downspouts and related hardware shall be integrated into the canopy structure.

D. **Awnings and Canopies**. Awnings and canopies, if installed, shall:
   1. Be attached and integral to the principal structure;
   2. Not obstruct any window;
   3. Have a minimum clearance of eight feet (16 feet for drive-under canopies) from finished grade to the bottom of an awning or a canopy;
   4. Project a maximum of six feet from the principal building; and
   5. Not exceed 100 feet in length.

E. **Arcade Treatment.** Arcades may be constructed along building façades to provide shelter and shade and to add visual interest to structures but shall be located entirely outside the public street right-of-way. The arcade design shall also incorporate adequate pedestrian-level lighting under the arcade for visibility and security.

F. **Screening of Mechanical and Service Equipment**.
   1. *Ground-level equipment.* Ground-level exterior equipment, such as mechanical components, electrical drops, utility meter banks, and heating/cooling controls, shall be completely screened from ground-level public view through building wall extensions or installation of structural enclosures or dense, year-round vegetation.
      a. Structural enclosures or hedges that are used to satisfy this screening requirement shall be maintained at a height that is at least one foot higher than the equipment.
      b. Structural enclosures shall use materials and colors that match or are consistent with the design and materials of the principal building.
   2. *Building-Mounted Equipment*. Building-mounted exterior equipment shall be completely screened from ground-level public view through installation of structural enclosures or dense, year-round vegetation consistent with the screening provisions in Sec. 28-3-2) of this section.
      a. Where complete screening using the specified methods is not practical, building-mounted equipment shall be painted to match the color of the building façade.

b. Gutters, downspouts, and related building-mounted hardware for conveying stormwater shall match the color of the building façade, whether through the choice of hardware used or painting of the hardware to achieve this consistency. Any such hardware and associated painting shall be maintained in sound condition at all times.

3. *Rooftop Equipment*. Rooftop exterior equipment shall be completely screened from ground-level public view through design, materials, and colors that match or are consistent with the overall building design. This may include, but is not limited to, use of sloped roofs or other architectural elements of adequate height, such as parapet walls or cornice treatments, that conceal roof areas where mechanical equipment is mounted.

G. **Multiple Buildings**. Developments with multiple structures on a single property or involving out-parcels shall reflect coordinated and cohesive building design, with all buildings incorporating unifying elements such as common building forms, materials, textures, architectural detailing, and colors. The intent is not to require precise replication of the design of a principal building or buildings but rather to achieve general consistency and compatibility in architectural design.

H. **Parking Structures**.

1. *Architecturally Consistent.* Parking structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of façade design and variation, finish materials, and shielding of unfinished structural elements and mechanical equipment.

2. *Special Design Elements*. Parking structures shall include architectural and landscape elements that enhance the garage appearance and help to screen parked vehicles and interior lighting from external view. Such elements may include, but are not limited to, decorative screens, trellises with or without associated vegetation, or façade and roofline variation.

I. **Service Bays**. Uses with overhead doors providing access to service bays, such as for automobile service and repair, shall, wherever the site size, shape and orientation allows, place any building wall with overhead doors perpendicular to public street frontage. Where such building orientation is not practical, the overhead doors shall be of similar color to the building façade or roof material.

J. **Refuse Containers.** Dumpsters shall be provided for multi-family residential, nonresidential, and mixed-use development for solid waste collection services. Such facilities are subject to the following standards:

1. The facilities shall be located no more than 200 feet (walking distance) from the individual uses that they are intended to serve;

2. Access to the facilities shall be:

   a. Configured to meet the requirements of the refuse hauler; and

   b. Provided from an alley if an alley is present and used for service to other properties;

3. The areas where dumpsters are stored shall be fully enclosed by an opaque wall with a minimum height of six feet constructed of brick, stone, or stucco-finished concrete block to match the principal building;

4. The enclosures shall:

   a. Have opaque metal service gates which remain closed at all times except when the dumpster is being serviced;

   b. Include separate, opaque metal pedestrian access gates or a pedestrian access opening that screens the dumpster from view;

c. Be large enough to accommodate:
   i. One or more dumpsters that are of sufficient size to serve the development, based on the frequency of solid waste collection; and
   ii. One or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection; and
d. Meet City engineering design standards, including those that pertain to maneuvering space.

5. The facilities shall be located in a side or rear yard of the parcel proposed for development, unless it is not possible to provide service access in such locations; and
6. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designated and constructed with the same cladding materials used for the principal building walls.

Sec. 28-3-3. Single-Family Development

A. **Generally**. All single-family detached and attached dwellings (including industrialized housing) shall be developed in accordance with the standards of this Section.

B. **Applicability**. These standards apply to single-family detached and attached developments within the district(s) where they are permitted as set out in:
   1. Sec. 28-2-6, *Suburban Residential (SR)*;
   2. Sec. 28-2-8, *Semi-Urban Residential (SU); and*
   3. Sec. 28-3-10, *Downtown (DD).*

C. **Placement of Buildings**. The placement of a principal dwelling in a perpendicular or sideways orientation on an interior lot is prohibited unless in a conventional neighborhood or approved as part of a planned neighborhood (See Figure 28-3-3-1, *Building Placement*). Such arrangement may be approved as part of planned neighborhood if:
   1. The dwelling is arranged in a housing cluster where homes front a green space and take access from an alley or parking lot; or
   2. The street-facing facade is horizontally articulated; includes a hip-and-valley, cross-hipped, dutch gable, or dormer roof type; and is designed to include a pattern of windows common to the front elevations of the homes on the block along both sides of the street (See Figure 28-3-3-2, *Roof Types*).

Figure 28-3-3-1
Building Placement

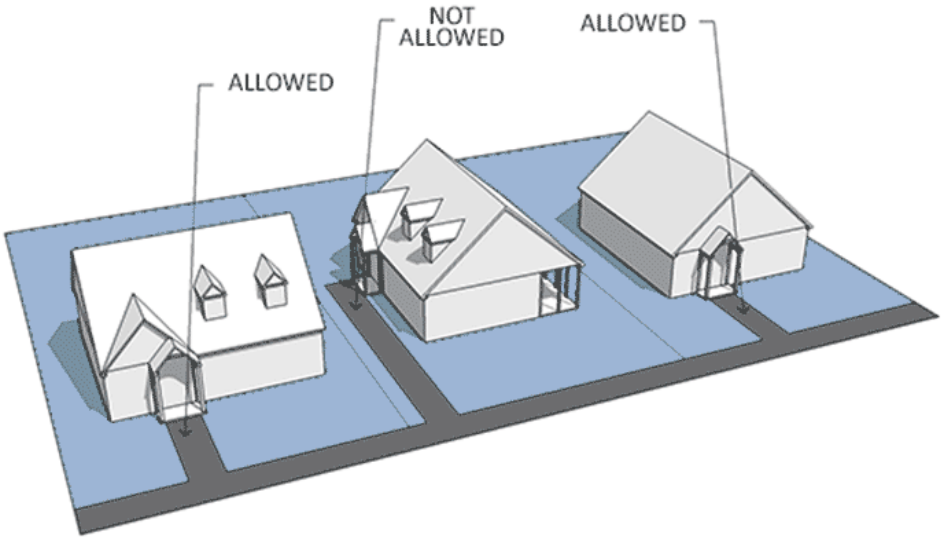
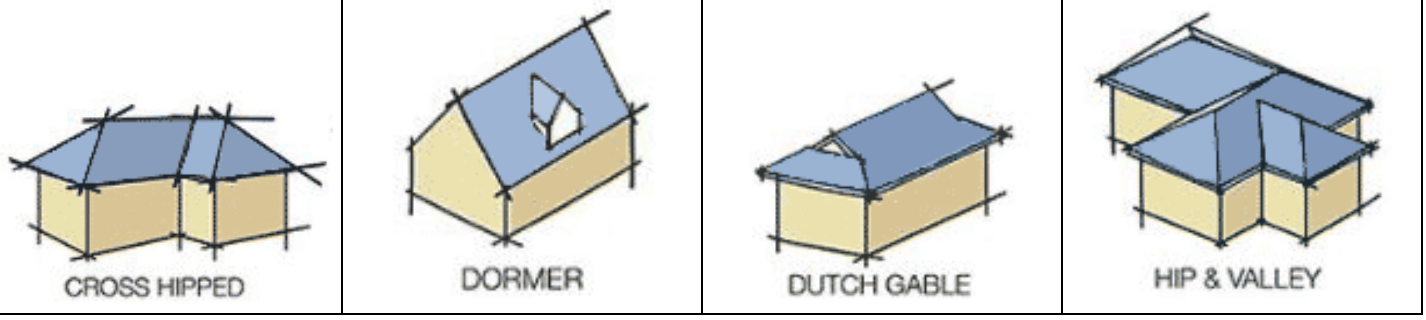


Figure 28-3-3-2
Roof Types



D. **Garage Door Orientation**. Garage doors on a single-family detached or attached dwelling on a lot in the Suburban Residential (SR) or Semi-Urban Residential (SU) districts shall be oriented in one of the manners depicted in Table 28-3-3, *Garage Orientation*.

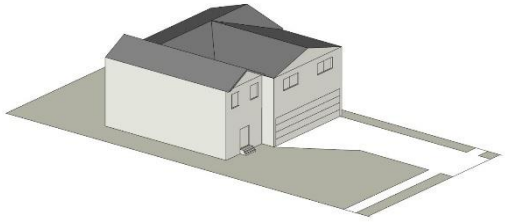
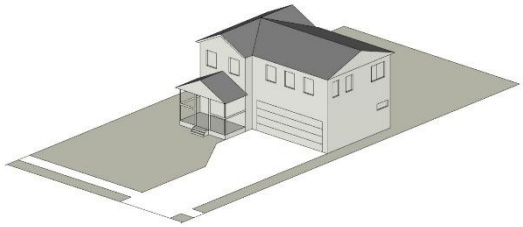
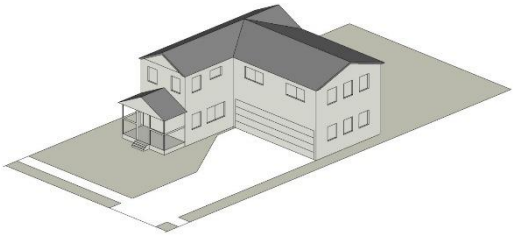
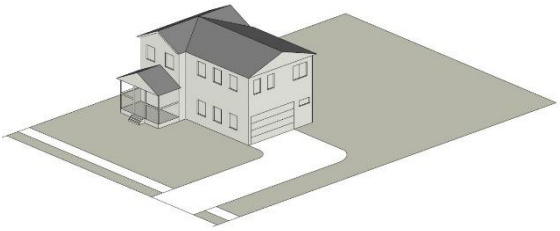
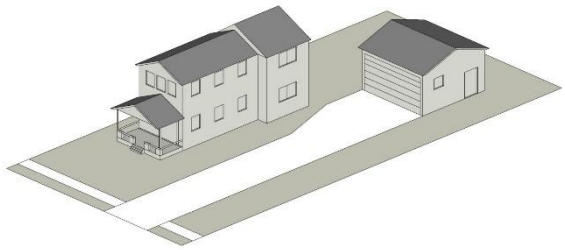
Table 28-3-3 Garage Orientation	
Requirements	**Illustration**
Garage in Front. Garage doors shall be oriented to the street and will be five feet in front of the front wall plane of the residence.	
Semi-Flush. 1. Garage doors oriented toward the street shall be positioned semi-flush or recessed. 2. Semi-flush doors shall be a minimum of two feet and a maximum of 20 feet behind the front wall plane of the residence and create a minimal intrusion into the livable area of the home. 3. Semi-flush doors may extend a maximum 40% of the width of the residence.	
Recessed. 1. Garage doors oriented toward the street shall be positioned semi-flush or recessed. 2. Recessed doors shall be a minimum of 20 feet behind the front wall plane of the residence. 3. There is no restriction on maximum recessed garage door width.	
Side-Loaded. Garage doors oriented perpendicular to the front wall plane have no restrictions on door width or recessed position.	

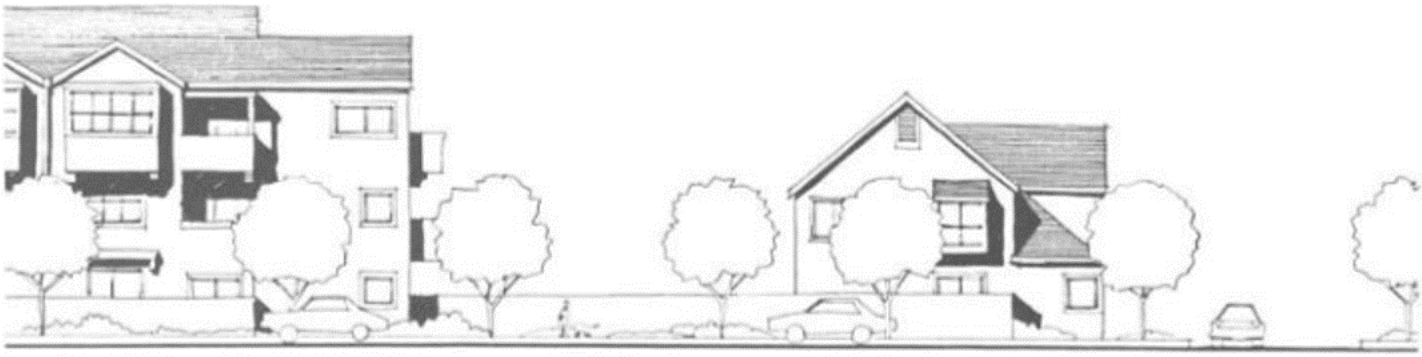
Table 28-3-3 Garage Orientation	
Requirements	**Illustration**
Detached. 1. Detached garages placed entirely to the rear of the house have no restrictions on door width or recessed position. 2. Detached garages that are closer to the street than the rearmost portion of the residence shall be a minimum of 20 feet behind the front wall plane of the residence.	

E. **Transitions**.

1. *Scale*. Where a single-family attached dwelling directly abutting or is across a street from a single-family detached dwelling, the building height of the attached dwelling must be equal to or no greater than eight feet higher than the abutting detached dwelling. Where an attached dwelling is located between a detached dwelling and apartments or non-residential development, the attached dwelling may not exceed the height of the adjacent single-family detached dwelling by more than one story. See Figure 28-3-3-3, *Scale Transitions*.
2. *Bufferyards*. Bufferyards are required per Sec. 28-3-27, *Bufferyard Landscaping*.

Figure 28-3-3-3
Scale Transitions

ADJACENT SINGLE-FAMILY DETACHED DWELLING SINGLE-FAMILY ATTACHED DWELLING



ADJACENT MULTI-FAMILY APARTMENT SINGLE-FAMILY ATTACHED DWELLING

Sec. 28-3-4. Multiple-Family Housing

A. **Generally**. All multiple-family buildings shall be developed in accordance with the minimum standards of this Section.

B. **Applicability**. These standards apply to multiple-family developments within the district(s) where they are permitted as set out in:
   1. Sec. 28-2-8, *Semi-Urban Residential (SU);* and
   2. Sec. 28-2-13, *Downtown (DD).*

C. **Building Massing and Scale.**
   1. Multiple-family buildings shall be designed such that the primary entrance and windows of all first-row buildings face a public street.
   2. Any portion of a building that is closer than 50 feet from a common property line that abuts a residential district or use shall be no higher than 12 feet above the highest point of the closest residential structures. This does not apply if the residential structure is located across the street from the development or if it is within a planned neighborhood. A multiple-family building containing more than four dwelling units shall be designed to break up a rectangular floor plan and avoid a box-like or monolithic appearance.
   3. The following or similar techniques shall be used to avoid the appearance of a box-like or monolithic building:
      a. Primary entrance treatments that are recessed or project from the main façade such as canopies and porte cocheres. Support columns and roofs of canopies and porte cocheres shall match or be consistent with the architectural design of the building.
      b. Balconies that are used irregularly, some projecting, some recessed; and
      c. The use of dormers, bay windows, or other windows that create dimensions that break up the facade;
      d. Changes in wall planes of at least five feet at intervals of not more than 30 feet;
      e. Varying roof lines;
   4. Stairs that provide primary access to units on upper floors shall be covered.
   5. Elements such as eaves, rakes, cornice lines, or frieze boards shall be used to contribute to the visual interest of the building.

D. **Internalized Design**.
   1. Ingress to and egress from all dwelling units in a multifamily development shall be made through the interior of the building rather than from direct outside entrances to each unit.
   2. No exterior stairways. No stairways shall be visible on a building exterior.

E. **Pedestrian Access.** All fences and gates shall have appropriate connections to neighboring non-residential properties through the use of fence or gate door unless it can be shown that is not possible due to site constraints to promote walkability and connectivity.

F. **Parking Location.** Wrap-around design of multifamily buildings around a core parking structure is strongly encouraged to ensure the garage appearance is enhanced by additional architectural or landscape features.

G. **Attached Garages**. Attached street-facing garages shall meet one of the following standards.
   1. The garage doors shall not comprise more than 40 percent of the total length of the building's facade; or
   2. Every set of two single-bay garage doors or every double garage door shall be offset by at least five feet from the front plane of an adjacent garage door.

H. **Detached Garages**. The building design and roof type of garage units shall be consistent with those of the principal building(s). Detached garage buildings that are adjacent to street rights-of-way shall include a Type B Bufferyard (see Sec. 28-3-27, *Bufferyards*) between the garage building(s) and street.

I. **Carports.** Carports are permitted within the vehicular use areas of multifamily developments, provided they do not encroach into any required yards or building setbacks or into any easements, and subject to the following standards:
   1. *Openness*. Carports shall be no less than 50 percent open on all sides, except for a side or sides that abut a wall of a principal building.
   2. *No Other Storage*. Carports shall not be used for storage of any items except motor vehicles.
   3. *Height*. Carports shall not exceed 10 feet in height.
   4. *Drainage*. Drainage from carports shall be captured and conveyed on site and shall not impact adjacent properties.
   5. *Construction*. Carports and their support posts shall be firmly anchored to the ground and shall meet applicable building codes.
   6. *Design*. Carports shall be constructed so that all structural components, including support posts and roofs forms, match or are consistent with the design elements incorporated into the principal building(s)

J. **Roofing Systems**.
   1. *Flat Roof Systems*. Any material that is permitted by Code of Ordinances Chapter 8, *Buildings and Other Structures*, and is allowed on flat roof systems.
   2. *Integrated Solar Arrays*. Building integrated solar arrays (solar panels that double as roofing) may be used on flat or pitched roofs.
   3. *Projections*. Roofs shall contain at least one projection for every 50 linear feet of building frontage. Roof projections may include cupolas, dormers, balustrade walks, chimneys, or gables.

Sec. 28-3-5. Manufactured Homes

A. **Generally**. Manufactured homes are only permitted in the Manufactured Housing (MH) zoning district. All manufactured home parks shall be developed and constructed in accordance with the minimum standards of this Section and Sec. 28-2-12, *Manufactured Housing*.

B. **Design Standards.**
   1. *Access*. Where a manufactured home park contains 25 or more units, at least two points of ingress and egress shall be provided.
   2. *Access to Public Streets.*
      a. Each manufactured home park must abut and shall have access to a dedicated public all-weather circulation drive.

b. Direct access to a manufactured home space from street right-of-way is prohibited.

3. *Skirting*. The vacant space between the finished grade of the property and the finished floor of a manufactured home must be skirted, which must:
   a. Be a continuous, complete, opaque, and a rigid surface that lends permanency to the appearance of the unit and fully screens the crawl space beneath the unit; and
   b. Provide for adequate ventilation and drainage.
4. *Separation and Setbacks for Accessory Buildings*. An accessory building or structure on a manufactured home lot shall maintain conformance to the standards established in Sec. 28-2-19, *Accessory Use and Structure Standards*.
5. *Solid Waste Facilities*. If common refuse containers are provided by the manufactured home park, then one container shall be provided for each 10 lots.
6. *Vehicular Circulation.*
   a. The manufactured home park must provide interior vehicular circulation on a private internal street system.
   b. The street system shall be continuous and connected with other internal and public streets or shall have a cul-de-sac with a minimum diameter of 90 feet and length of 500 feet.

C. **Maintenance**.
1. *State of Repair*. All grounds and improvements shall be maintained in a good state of repair.
2. *Code Compliance*. Electrical systems, water and sanitary sewer systems, streets and parking areas, and buildings shall comply with all applicable codes and be maintained in safe and sanitary conditions.
3. *General Maintenance Responsibilities*.
   a. Refuse collection sites shall be kept clean and sanitary; grass and shrubbery shall be mowed and trimmed.
   b. Grading and drainage shall be well maintained.
   c. All common areas shall be operated in compliance with all provisions of this Section; and
   d. The property shall be maintained free of litter and debris.

D. **Storm Shelters**. Storm shelters shall be provided in manufactured home parks. The shelter(s) shall be built:
1. According to ICC 500, the International Code Council/National Storm Shelter Association (ICC/NSSA) Standard for Design and Construction of Storm Shelters; and
2. Of sufficient size to meet the needs of the manufactured home park and its residents.

E. **On-Site Management**. One manufactured home or other permanent building for on-site management must be provided for parks with 25 or more homes.

Sec. 28-3-6. Nonresidential Development

A. **Generally**. All nonresidential buildings shall be developed in accordance with the minimum standards of this Section.

B. **Applicability**. These standards apply to commercial retail and service and civic and institutional land uses within the district(s) where they are permitted as set out in:
1. Sec. 28-2-11, *Suburban Commercial (SC);*

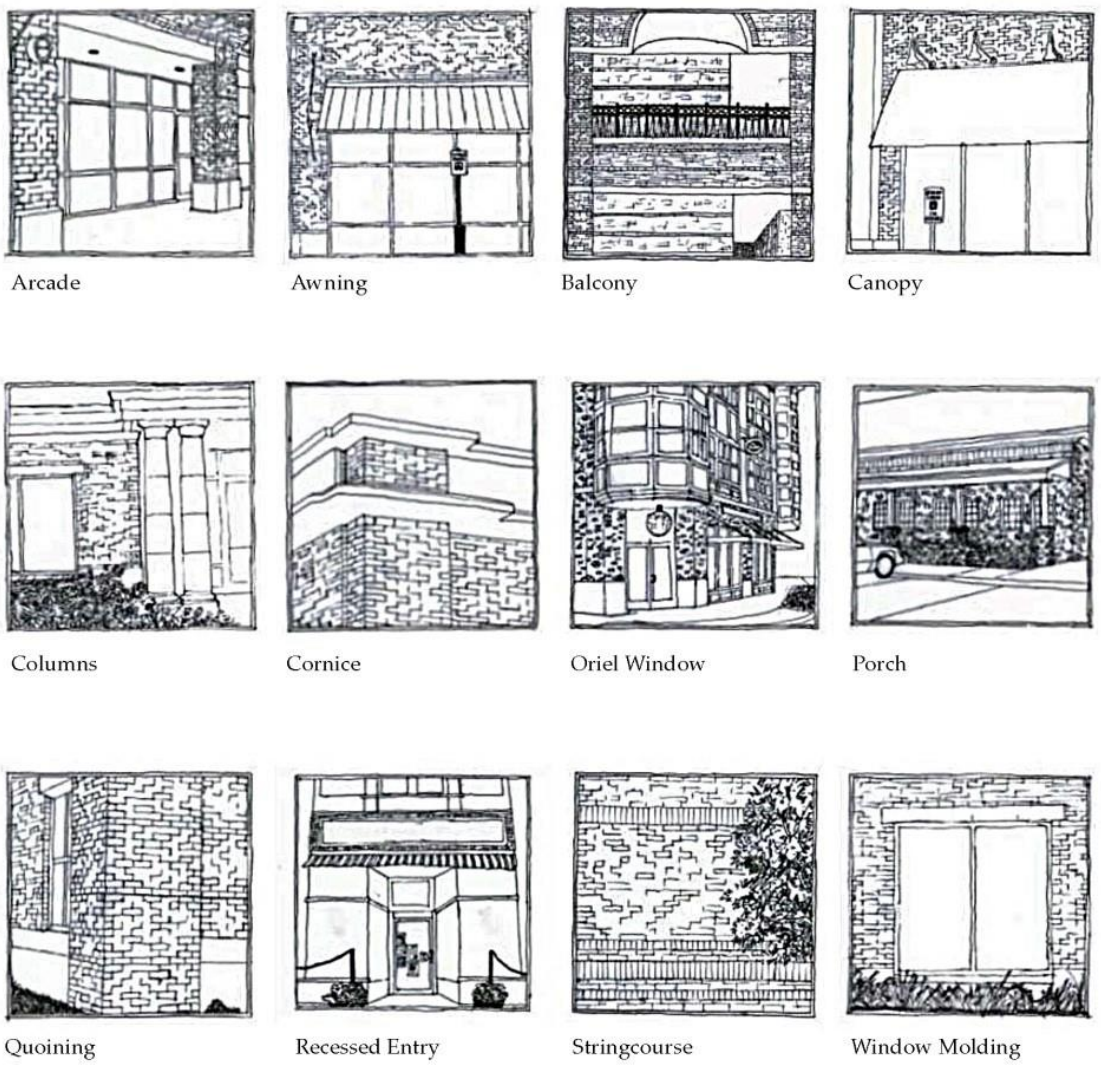
2. Sec. 28-2-14, *General Commercial (GC)*; and
3. Sec. 28-2-13, *Downtown (DD)*.

C. **Building Form**.

1. *Neighborhood-Scale.* Buildings that cover up to 30,000 sq. ft. of gross floor area shall have moderate changes in height or roof lines, which can be accomplished by one or more of the following techniques:
   a. Modules shall be offset from each other by a horizontal recess or projection of the building façade that measures 10 percent or more of the building height;
   b. Dormers with ridge lines that are three feet or more below the ridge line of the roof;
   c. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of two to five feet;
   d. Parapet walls that vary in height from two to four feet and which are designed of equal or greater height to screen from public view all rooftop mechanical equipment; or
   e. Towers that have a height that is four to six feet above the highest peak or ridge of the roof or highest point of the parapet for a minimum of 10 percent of the façade on which the tower is located.
2. *Community-Scale.* Buildings that cover between 30,001 sq. ft. and 60,000 sq. ft. of gross floor area shall have major changes in height per every 50 lineal feet of roofline, so which can be accomplished by one or more of the following techniques:
   a. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of five or more feet;
   b. Parapet walls that vary in height by more than four feet, are proportional to the building, and which are designed of equal or greater height to screen from public view all rooftop mechanical equipment;
   c. Towers that have a height that is more than six feet above the highest peak or ridge of the roof or highest point of the parapet. The mass of such towers shall be proportional to the building, so that the towers appear as substantial, but not overwhelming, architectural elements;
   d. Ground-level arcades and second floor galleries/balconies;
   e. Functional or faux chimneys; or
   f. Other features that reduce the apparent mass of the building.
3. *Regional-Scale.* Buildings that cover more than 60,001 square feet of gross floor area shall have major changes in height per every 50 lineal feet of roofline, which shall, in addition to the requirements for community-scale buildings, must include:
   a. Significant architectural features to identify principal entrances; and
   b. Elements such as towers or significant projections from the building to break up the building mass.

D. **Architectural Detailing**. All buildings shall include a minimum of two architectural details that promote and are in harmony with the design vernacular including, but not limited to, those exhibited in Figure 28-3-6-1, Architectural Detailing.

Figure 28-3-6-1
Architectural Detailing



E. **Multi-Story Buildings**. Buildings with three or more stories shall be designed with a clearly differentiated base, middle, and top.

1. *Building Base*. A recognizable base shall include, but shall not be limited to:
   a. Thicker walls, ledges, or sills; or
   b. Raised planters, which are integral to the building façade.
2. *Building Top*. A recognizable top shall include, but shall not be limited to:
   a. Cornice treatments, other than just colored stripes or bands; or
   b. Sloping roofs with eaves and brackets.

F. **Building Articulation.**

1. *Major Building Articulation*. Buildings shall be articulated using one or more of the following major articulation design techniques uniformly over the entire building facade:

a. A step back of upper floors to create human-scale and to reduce building scale and mass;

b. Increased setbacks for up to 30 percent of a street elevation to create public space; (public space may include outdoor seating/dining areas, pocket parks, fountains and/or water features, children's play areas, or similar space open to the public);

c. Variations in building heights for a minimum of 30 percent of the building facade;

d. Building insets or projections of at least two feet that extend the full height of the building for a minimum of 30 percent of the building facade;

e. Material changes for different building planes or elements;

2. *Minor Building Articulation*. Buildings shall be articulated using two or more of the following minor articulation design techniques uniformly over the entire building facade:

a. Windows or faux window openings;

b. Doors or faux door openings;

c. Recessed or projecting building entries;

d. Projecting bay windows;

e. Window moldings;

f. Arcades;

g. Recessed or projecting porches;

h. Recessed or projecting balconies;

i. Functional or decorative canopies and awnings;

j. Cornices;

k. String courses;

l. Columns;

m. Wall sconces;

n. Brick patterning, including soldier courses, or other building material or color variations;

o. Score lines; or

p. Accents through the use of moldings, sills, cornices, canopies, or spandrels.

G. **Building Entrances**. Each building shall have clearly-defined customer entrances that include at least three of the following features:

1. Canopies, porticos, arcades, or overhangs;

2. Recesses or projections;

3. Over the door or peaked roof forms;

4. Arches;

5. Outdoor patios or plazas;

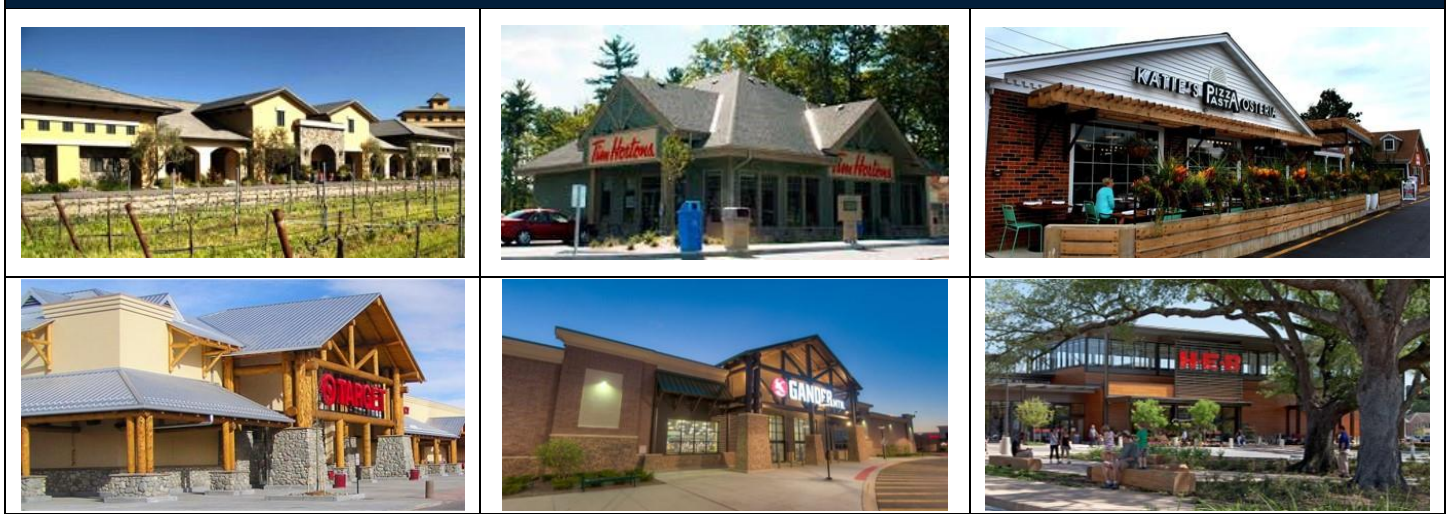
6. Display windows;

7. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; and/or

8. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

H. **Roofing Styles.** Any roof type may be used provided it has a minimum pitch of 4:12. A flat roof may be allowed provided it is disguised on all sides by a sloping roof. Examples are displayed in Figure 28-3-6-2, *Allowed Roof Forms*.

Figure 28-3-6-2
Allowed Roof Forms



I. **Elevations.**

1. *Front Elevation*. In addition to the above articulation features, the front elevation of a building shall have:
   a. Architectural features that animate the façade along its entire length, spaced at intervals of not more than 30 feet in horizontal distance. These features may include wall sconces, display windows, faux windows, material patterning, entry areas, towers, pilasters, and columns, or other elements that create a pattern of light and shadow on the building wall.
   b. Awnings, arcades, or overhangs that project at least six feet along not less than 50 percent of the façade.
2. *Side and Rear Elevations*. Side and rear elevations shall have architectural features that animate no less than 50 percent of the façade, which shall include:

a. Awnings, arcades, or overhangs that project at least six feet and connect to awnings, arcades, or overhangs on the front elevation;

b. No blank wall surfaces that extend for more than 15 or 30 feet in vertical or horizontal distance, respectively; and

c. Wall sconces, display windows, faux windows, material patterning, entry areas, towers, pilasters, and columns, or other elements that create a pattern of light and shadow on the building wall.

Sec. 28-3-7. Office Park Design

A. **Generally**. All office buildings, parks, and campuses shall be developed and constructed in accordance with the standards of this Section.

B. **Applicability**. These standards apply to all buildings within the Suburban Office (SO) district.

C. **Site Design.**

1. *Layout*.
   a. The layout of new development must include a Type B bufferyard around the perimeter and a Type C bufferyard along any property line shared by a highway right-of-way and adjacent to a residential use or district.
   b. The arterial street providing principal access into and through an office park shall not provide direct access to individual lots.
   c. The primary entrance(s) to the development must include triangular easements measuring 60 feet in all dimensions, located on either side of the street for signs and landscaping. Secondary entrances may include 30-foot triangular easements for signage.
2. *Site Orientation*.
   a. The primary building entrance shall face the street(s) from which access is taken.
   b. All parking and vehicular use areas must be set back a minimum of 30 feet from all streets. The area inside the 30-foot parking setback may be credited towards the site landscaping requirement in Table 28-2-12-3, *Landscape Standards*.
3. *Outside Storage*. Outside storage is prohibited.

D. **Building Character**.

1. *Compatible Design*. Development in or adjacent to existing developed areas shall be compatible with the established architectural character by using a design that is compatible, achieved through the repetition of roof lines, use of similar proportions in building mass and outdoor spaces, use of similar relationships to the street, use of similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development.
2. *Scale*. Buildings shall either be similar in size and height, or, if larger, shall be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same or the adjoining blocks. Buildings that are four or more stories shall provide significant mass breaks to decrease the apparent mass of the building. Wider, longer buildings shall be stepped or broken in elevation by a combination of massing breaks and/or material changes.
3. *Materials*. Building materials shall either be complimentary or drawn from the materials already being used in the vicinity. If dissimilar materials are proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials. Mirrored glass with a reflectivity or opacity greater than 65 percent is prohibited.

E. **Building Design**. The design of buildings is the same for single-tenant sites and multi-tenant campuses.

1. *Materials.* Exterior materials shall be chosen for their suitability, durability, and visual continuity. With the exception of windows, building materials shall be natural/ indigenous in character. Building materials shall be selected to provide a variety of textures per building facade, provide visual balance, and avoiding an excessive variety of materials. Building entrances shall be visually heightened through the use of building architecture, materials, and textures.

2. *Treatments.*
   a. Base. Facades shall have a recognizable "base" consisting of one or more of the following:
      i. Thicker walls, ledges or sills; or
      ii. Raised planters.
   b. *Roof and Top*.
      i. Roof top equipment must be visually screened by adequate parapet height or separate roof screen, which must include variations through step ups or intervening architectural detailing.
      ii. Combinations of sloped and flat roofs are encouraged to create a pleasing roofscape.
      iii. Rooftop mechanical units, dishes, and other miscellaneous equipment shall be screened or be an integral part of the building design. Screen material shall be of the same material, texture and color as the building architecture, or be compatible to it.
      iv. Sloping roof forms may be used to satisfy the requirements for both "building entrances" and "top treatments", providing the sloped roof form is related to the building entrance, and extends above the top of the parapet wall of a flat roofed building, or above the fascia of a pitched roof.
      v. Top treatments for buildings less than 25,000 sf. gross floor area shall have a recognizable "top" consisting of the following:
         a. Cornice treatment;
         b. Sloping roof forms; or
         c. Stepped parapets.
      vi. Top treatments for buildings greater than 25,000 sf. of gross floor area shall have parapets concealing flat roofs and rooftop equipment from public view, which shall not exceed fifteen percent of the height of the supporting wall, and such parapets shall not at any point exceed one-third the height of the supporting wall.
   c. *Building Entrances*.
      i. Primary building entrances shall be important elements in the design of buildings. Building materials shall be selected to provide greater visual and textural interest at building entries. Entrances shall be designed to integrate wall signs with the design of the structure.
      ii. Architectural articulation shall be evident at primary entrances. Textural and massing changes are required for visual interest, as well as promoting the "human scale."
      iii. Primary entrances shall include protection from elements of weather and sunlight.
      iv. Landscape features shall be provided at building entrances, such as plazas, gardens, benches, landscape walls and/or artwork.

F. **Single-Tenant Sites**. Single tenant buildings must include vertical articulation with a projected or recessed plane for each increment of building wall equal to two times the building height, measured from the finish floor to the eave line or where allowed, the top of the parapet wall. For example, a 40-foot tall building would require articulation every 80 feet. For buildings with a gross floor area greater than 100,000 sf., vertical articulation is only required for 50 percent of the building length if:

1. A wing wall to screen the unarticulated wall(s) of the building projects outward from the main wall plane a distance equal to two times the building height. The projecting wall must be not less than 50 percent nor more than 125 percent of the adjacent building wall height. The wing wall may contain an angled, sloped or curvilinear profile; and
2. The remainder of the street-facing facade includes reveals, surface texture, contrasting colors, panel offsets of no less than eight inches, panel height changes of no less than 18 inches, and variations in the parapet or roof profiles.

G. **Multi-Tenant Campuses**.

1. *Site Design.* The design of individual buildings must contribute to the uniqueness of an office or technology campus with predominant materials, elements, features, color range and activity areas tailored to the site and its context within the community. The predominant design characteristics must be shared by all buildings in the development so that the buildings form a cohesive campus community.
2. *Façade Treatment*. To establish architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:
    a. Buildings shall maintain variation in massing.
    b. A single, large, dominant building mass shall be avoided.
    c. Horizontal masses shall not exceed a height/width ratio of 1 vertical to 4 horizontal, without substantial variation in massing that includes a change in height and projecting or recessed elements.
    d. There must be changes in mass related to building entrances.
    e. No facade that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding 30 feet without including at least three of the following:
        i. Change in plane;
        ii. Change in color;
        iii. Change in texture or masonry pattern;
        iv. Windows;
        v. Porticos, awnings or canopies; or
        vi. Visual architectural features such as:
            a. Columns;
            b. Ribs or pilasters;
            c. Piers and fenestration pattern; or
            d. An equivalent element that subdivides the wall into human scale proportions.
        vii. Side or rear facades:

a. Facades that face walkways or public streets may include false windows and door openings defined by frames, sills and lintels, or similar modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.

b. Facades of buildings shall include design characteristics consistent with those on the front, excepting facades which are not visible from the public right-of-way or common open space.

H. **Roadway Landscaping**. In addition to the landscaping on each individual development site, a cohesive landscape design is required for all common open spaces and along roadways within a multi-tenant campus. The campus-wide landscape plan must reinforce the visual hierarchy of roadways through plant material massing, spacing and height, as well as through focal points at major intersections and the use of landscape elements at all entrances. Landscaped earthen berms must be used to create interesting land contours along arterial roadways and for screening abutting parking and other vehicular use areas. The landscape must be shared between development sites to create design unity.

Sec. 28-3-8. Downtown

A. **Generally**. These standards are applicable to all properties within the Downtown (DD) district. If the standards of this Section conflict with the standards established elsewhere in this CDO, the standards of this Section apply.

B. **Building Requirements.**

1. *Building Form*.

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

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

ii. Buildings must utilize elements such as massing, windows, canopies, and articulated roof forms to create a visually distinct building base, middle, and top (see Figure 28-3-8-1, *Horizontal Articulation*).

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

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

b. Residential building types must comply with the lot and building standards per Table 28-2-13-1, *Building Standards*, as well as the relationship to the street as per Figure 28-2-13-2, *Building Frontage Types*.

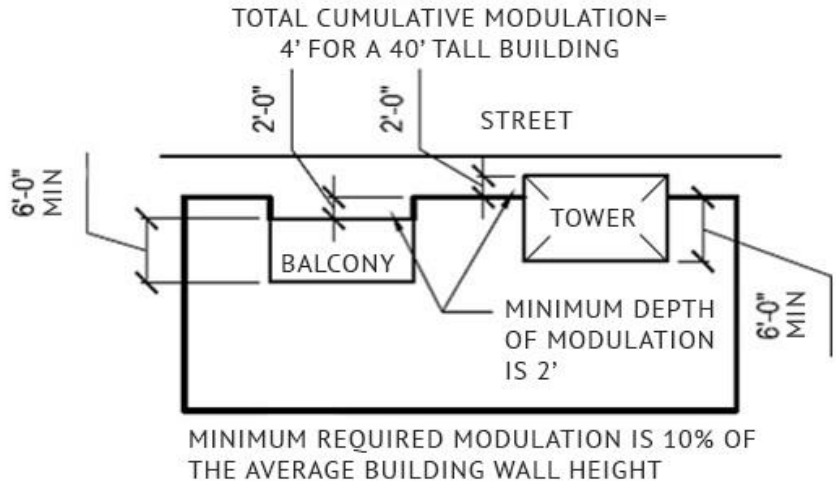
Figure 28-3-8-1
Horizontal Articulation

2. *Massing and Scale of Street Frontages*. The public-facing facades of adjacent buildings must be architecturally differentiated by varying at least three of the following:
   a. Variations in building heights;
   b. Building insets or projections of at least two feet that extend the full height of the building;
   c. Material changes for different building planes or elements;
   d. Changes in color to accentuate horizontal or building elements;
   e. Accents through the use of moldings, sills, cornices, canopies, or spandrels; or
   f. Other facade features, such as an arcade, balcony, gallery, oriel or bay windows, pavilion, pergola, porches, porticos, terrace, tower, or vestibules.
3. *Architectural Details*.
   a. *Exterior Lighting*. Exterior lighting must be an integral part of the architecture, sign, and landscape or hardscape design. Street lighting must be of a maximum height of 12 feet and consistent with the character of the district. Sidewalk lighting may be a maximum of three feet in height.
   b. *Street Furniture*. Public seating, trash receptacles, and directional kiosks must be of uniform design and provided throughout district, approved by the Planning and Zoning Commission. Street trees, landscaping, weather protection, public art, street furniture, and other pedestrian amenities in public rights-of-way and plazas must provide a minimum passable sidewalk width of four feet.
   c. *Awnings, Sunshades, and Canopies*. Weather protection is required for pedestrian street frontages with ground floor commercial use. Weather protection elements must extend at least six feet from the building, may be no closer than two feet to a street curb and must have a minimum clearance of eight feet and a maximum height of 12 feet. Internally illuminated awnings are prohibited.
   d. *Fenestration*
      i. *Facades*. Any public-facing facade must incorporate fenestration. Fenestration patterns for street-level commercial uses must have a minimum 60 percent transparency between two feet and eight feet in height that allow views of indoor space or product display areas. Glass curtain walls, reflective glass, and painted or dark tinted glass are prohibited.
      ii. *Street Visibility*. Upper and lower-story windows must be designed to overlook streets and public spaces to make these spaces comfortable and safe.

iii. *Modulation*. The roof line of buildings must be modulated and include architectural features such as a decorative eave, trim, or cornice.

iv. *Articulation*. Public-facing building facades must be articulated with projections or recesses that cumulatively equal 15 percent of the average building wall height, with a minimum depth of two feet. Such variations will contribute to the building architecture, which may be expressed in any manner provided the cumulative relief is achieved, as shown in Figure 28-3-8-2, *Building Wall Articulation.* The base of buildings must be articulated through use of plinths, pilasters, or other elements.

Figure 28-3-8-2
Building Wall Articulation



e. *Gross Floor Area*. The gross floor area of a single commercial establishment may not exceed 15,000 square feet.

f. *Residential-Only Buildings.*

1. Buildings must have a primary entrance on the front façade.
2. Front porches, stoops, bay windows, balconies, or dormers are required on the street-facing facades of residential buildings, which may extend into the front setback provided no encroachment into public right-of-way.
3. New or reconstructed buildings must be built to the setbacks set out in Table 28-2-13-1, *Building Standards*; provided, however, the front setback may be the average of the dwellings along the block face, excluding the lot of the new building.

g. *Carports.* Carports used in conjunction with a residential use are prohibited within the Downtown District.

C. **Pedestrian and Bicycle Improvements.** The applicant is responsible for the installation of the following pedestrian and bicycle facilities.

1. Sidewalks must:

a. Be installed to connect public walkways to all building entrances, parking structures or areas, open spaces, and any other destinations warranting pedestrian access;

b. Connect to existing sidewalks on abutting and adjacent lots or tracts; and

c. Include a minimum six-foot pedestrian zone and six-foot tree zone with a minimum one-foot dismount area from the back of curb. (See Figure 28-3-8-3, *Sidewalk Cross-Section*)

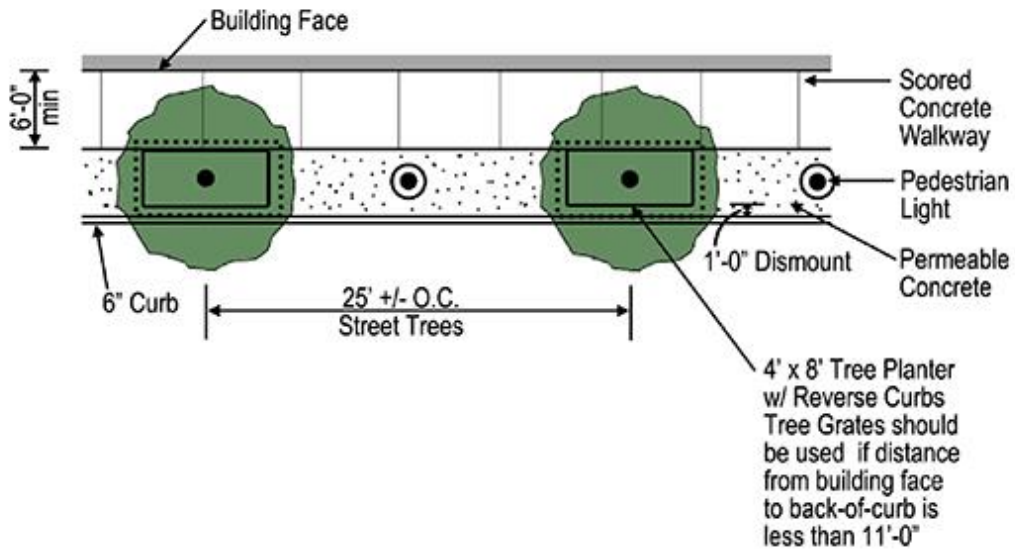
2. Bicycle linkages must:

a. Connect to existing or planned future trails and bikeways;

b. Be designed, striped, and signed separately from vehicular use and circulation areas; and

c. Connect to bicycle parking areas distributed throughout the mixed-use development according to the standards set out in Sec. 28-3-21, *Bicycle Parking*.

Figure 28-3-8-3
Sidewalk Cross-Section



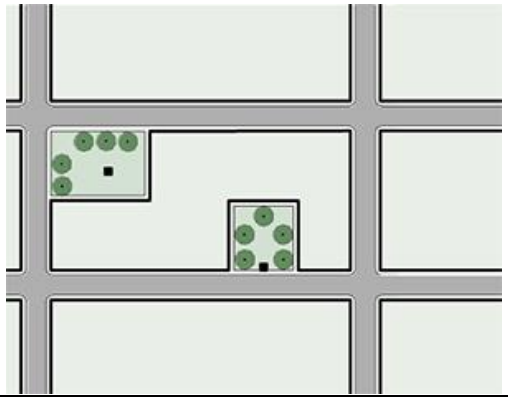
D. **Civic Space**. Civic space is an important organizing element within a mixed-use district, which must be integrated into the overall design of the Downtown District (DD). Both public and private civic space must be distributed throughout the district and should provide not only an aesthetic quality, but serve recreational and civic functions as well. A variety of types of civic spaces must be conveniently accessible and provide linkages within and throughout the DD.

1. *Amount Required.* The minimum required civic space is 10 percent of the net developable land area within the district.

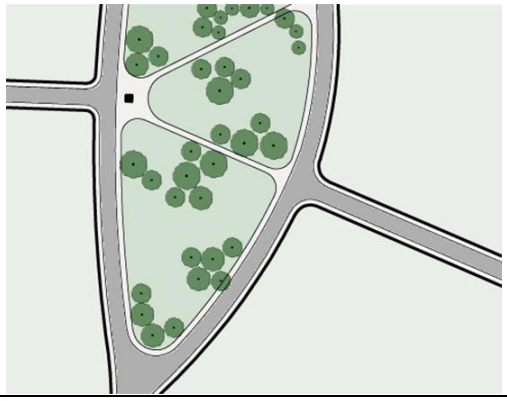
2. *Types of Civic Space*. Various types of civic space may be provided, but must include a central space such as a park, square, green, or plaza, as displayed in Figure 28-3-8.5, *Types of Civic Space*).

Figure 28-3-8-4
Types of Civic Space

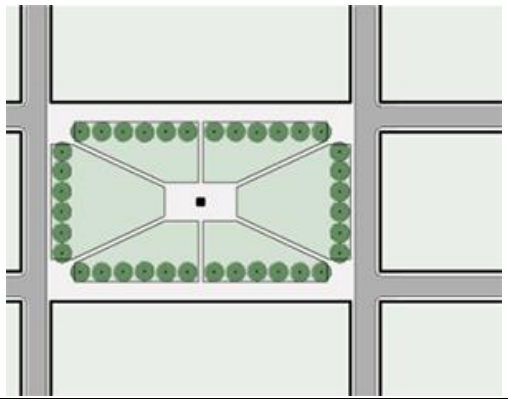
Park



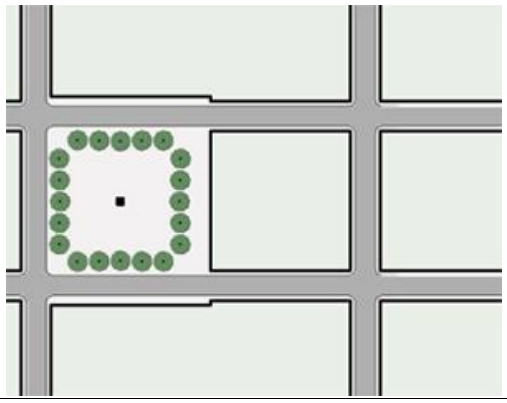
Green



Square



Plaza



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3. *Active and Passive*. Additional civic spaces may include active recreation facilities as well as passive open spaces such as greenways, creeks, detention or retention ponds, drainage areas, or similar types of open space.
4. *Requirements*
   a. A minimum of five percent of the DD district must be developed as civic space. Permanent wet ponds (excluding on-site detention basins and other stormwater impounding areas) may be counted for up to 20 percent of the civic space requirement.
   b. The civic space must be located near the middle of the district and must be easily accessible from all dwelling units and non-residential buildings.
   c. The civic space must contain a focal point such as public art or a sculpture, pavilion, or hardscape plaza with a fountain or other iconic feature to help identify the space as a primary gathering place for the Downtown.
   d. The civic space must be owned and maintained by a Property Owners' Association (POA) or another City-approved legal entity.

E. **Parking**.

1. *On-street.* The street cross-sections for the DD are constrained by existing rights-of-way. These cross-sections are shown in Figure 28-3-8-2, *Building Wall Articulation*, which provide for on-street parallel parking on local and collector streets. Where feasible, these streets may be designed to accommodate angled parking in certain locations. No on-street parking is planned along the designed arterial streets, unless the cross-section is reconfigured and engineered for the expected traffic volumes.
2. *Off-street.* Off-street surface parking may not front on any arterial street or highway. Given the character and pedestrian scale of the Downtown, off-street parking is prohibited within a front or street side yard of any multiple-family, civic, institutional, commercial, mixed-use.
   a. When any type of permit or approval is sought for a property with existing surface parking, the lot must be improved by:
      i. A five-foot pervious planting strip adjacent to all streets and vehicular use areas that meets the screening requirements in Figure 28-3-8-3, *Sidewalk Cross Section*; or
      ii. Construct a three-foot tall seat wall to screen the parking lot edge; and
      iii. Provide landscaped parking islands in conformance with Figure 28-3-8-3, *Sidewalk Cross Section*.
   b. Surface lots may only be accessed from a local street or alley. Such parking shall be arranged in individual lots of no more than 60 spaces, interconnected with alleys or drives. Each lot must be landscaped per the standards set out in Sec. 28-2-13, *Downtown (DD)*.
3. *Shared Parking*. Uses within a radius of 500 feet may have different hours of operation and peak parking demand hours. The use of shared parking reduces the amount of impervious area, improves site efficiency, and maintains the traditional, walkable nature of the Downtown. In these instances, the City may allow a reduction in the required number of spaces. To do so, an applicant may submit a shared parking study to demonstrate that the parking required for mixed-uses is less than the cumulative total of the parking requirements for each individual use. The shared parking study is required to be undertaken by a qualified, certified traffic engineer.

F. **Freestanding and Attached Canopies and Porte Cocheres**. The design of freestanding canopies, such as those used as shelters for pump islands at automobile service stations, and the design of attached canopies and porte cocheres, shall match or be consistent with the architectural style, principal and accent materials, colors, and lighting of the principal building on the development site.

1. Cladding and finishes for support columns and other vertical structural components shall match or be consistent with the principal and accent materials of the principal building.
2. The roof structure of the canopy shall match or be consistent with the roof structure of the principal building in terms of pitch, roofing materials, and colors.
3. Downspouts and related hardware shall be integrated into the canopy structure.

G. **Awnings and Canopies**. Awnings and canopies, if installed, shall:

1. Be attached and integral to the principal structure;

2. Not obstruct any windows;
3. Have a minimum clearance of eight feet (16 feet for drive-under canopies) from finished grade to the bottom of an awning or a canopy;
4. If they are freestanding, be of a similar style, material, color, and lighting as those attached to the principal building;
5. Project a maximum of six feet from the principal building; and
6. Not exceed 100 feet in length.

H. **Arcade Treatment.** Arcades may be constructed along building façades to provide shelter and shade and to add visual interest to structures but shall be located entirely outside the public street right-of-way. The arcade design shall also incorporate adequate pedestrian-level lighting under the arcade for visibility and security.

I. **Screening of Mechanical and Service Equipment**.
1. *Ground-level equipment.* Ground-level exterior equipment, such as mechanical components, electrical drops, utility meter banks, and heating/cooling controls, shall be completely screened from ground-level public view through building wall extensions or installation of structural enclosures or dense, year-round vegetation.
   a. Structural enclosures or hedges that are used to satisfy this screening requirement shall be maintained at a height that is at least one foot higher than the equipment.
   b. Structural enclosures shall use materials and colors that match or are consistent with the design and materials of the principal building.
2. *Building-Mounted Equipment*. Building-mounted exterior equipment shall be completely screened from ground-level public view through installation of structural enclosures or dense, year-round vegetation consistent with the screening provisions in subsection (a), below.
   a. Where complete screening using the specified methods is not practical, building-mounted equipment shall be painted to match the color of the building façade.
   b. Gutters, downspouts, and related building-mounted hardware for conveying stormwater shall match the color of the building façade, whether through the choice of hardware used or painting of the hardware to achieve this consistency. Any such hardware and associated painting shall be maintained in sound condition at all times.
3. *Rooftop Equipment*. Rooftop exterior equipment shall be completely screened from ground-level public view through design, materials, and colors that match or are consistent with the overall building design. This may include, but is not limited to, use of sloped roofs or other architectural elements of adequate height, such as parapet walls or cornice treatments, that conceal roof areas where mechanical equipment is mounted.

J. **Multiple Buildings**. Developments with multiple structures on a single property or involving out-parcels shall reflect coordinated and cohesive building design, with all buildings incorporating unifying elements such as common building forms, materials, textures, architectural detailing, and colors. The intent is not to require precise replication of the design of a principal building or buildings but rather to achieve general consistency and compatibility in architectural design.

K. **Parking Structures**.

1. *Architectural Consistency*. Parking structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of façade design and variation, finish materials, and shielding of unfinished structural elements and mechanical equipment.
2. *Special Design Elements*. Parking structures shall include architectural and landscape elements that enhance the garage appearance and help to screen parked vehicles and interior lighting from external view. Such elements may include, but are not limited to, decorative screens, trellises with or without associated vegetation, or façade and roofline variation.

L. **Service Bays**. Uses with overhead doors providing access to service bays, such as for automobile service and repair, shall, wherever the site size, shape and orientation allows, place any building wall with overhead doors perpendicular to public street frontage. Where such building orientation is not practical, the overhead doors shall be of similar color to the building façade or roof material.

DIVISION III-2: Parking, Loading, and Access

Sec. 28-3-9. Purpose

The purpose of this Division is to ensure that:

- Adequate off-street parking is provided;
- Standards are established for the functional design of off-street parking facilities;
- Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
- Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
- Adequate stacking areas are provided to ensure safe and efficient circulation within sites that contain drive-in or drive-through uses;
- Access to sites is managed to maintain the desired function and safety of the adjacent street(s); and
- Vehicular use areas and sites are designed and lighted to promote public safety without creating undue light pollution and off-site glare.

Sec. 28-3-10. Applicability

A. **Districts**. Development shall comply with all provisions of this Division and provide the quantity of parking spaces required in the District tables in Sections:

1. Sec. 28-2-5, *Estate Residential (ER);*
2. Sec. 28-2-6, *Suburban Residential (SR);*
3. Sec. 28-2-8 *Semi-Urban Residential (SU);*
4. Sec. 28-2-11 Suburban Commercial (SC).
5. Sec. 28-2-14, *General Commercial (GC);*
6. Sec. 28-2-13 Downtown *(DD)*;
7. Sec. 28-2-12, *Suburban Office (SO)*; and

8. Sec. 28-2-15, *Industrial (IN).*

B. **Change in Demand**. Redevelopment, significant improvements, and expansions of existing development and changes in the use(s) of existing buildings that require additional parking shall provide parking to the extent of the new demand created by the improvement, expansion, or change in use(s).

C. **Change in Use**. Changes in the use(s) of existing buildings that result in fewer required parking spaces shall not be required to provide additional parking spaces.

D. **Timing of Compliance**. No building permit or certificate of occupancy shall be issued unless and until off-street parking and loading is provided in accordance with this Division.

Sec. 28-3-11. Computing Parking

A. **Generally.** The standards of this Section set out the means for calculating the number of parking spaces required for specific land uses.

B. **Rounding.** When a computation of required parking results in a fraction of 0.5 or greater, the requirement must be rounded up to the next whole number.

C. **Variables for Calculating the Required Parking.** The variables used for parking calculations are measured as follows:

1. *Gross Floor Area.* Unless otherwise indicated, parking requirements are based on gross floor area (GFA). Gross floor area for the purpose of this calculation shall exclude any interior space used for the parking or loading of vehicles.
2. *Per dwelling unit (DU) or per bedroom (BR).* The phrase "per dwelling unit" means that the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per "#" BR unit) in the dwelling units.
3. *Per Bed.* The phrase "per bed" means that the number of parking spaces is based on the number of beds in the facility instead of the number of sleeping rooms or some other measure. Per bed calculations are normally applied to uses that offer residential care or overnight accommodations with shared rooms.
4. *Per Employee.* The phrase "per employee" means that the number of parking spaces is based on the number of employees during the shift in which the maximum number of employees is present.
5. *Per Square Feet (sf.) of Assembly Area.* The phrase "per sf. of assembly area" means that the number of parking spaces is based on the number of square feet in the largest room used for assembly (e.g., at a school, this is often a gymnasium, but it could also be a theater or a lunch room).
6. *Others*. Other variables are measured according to their common meanings.

D. **Uses that Involve Fleets or Vehicle Inventory.** Uses that involve fleets of vehicles (e.g., post offices, police stations, fire stations, etc.) shall provide parking for the fleet or inventory, in addition to that required to park the principal use of the property, as applicable. Further, a fleet of more than 10 vehicles shall be screened from public view with a fence, wall, or a Type B bufferyard.

E. Multiple Nonresidential Uses. If several nonresidential uses occupy a single parcel or building, the off-street parking and loading requirements shall be the cumulative total for all uses, unless the uses are of different categories or unless shared parking is permitted via a special study.

Sec. 28-3-12. Shared Parking

With the approval of a site plan pursuant to Sec. 28-7-19, *Site Plan*, off-street parking facilities for different uses or for mixed uses may be provided and used collectively or jointly in any zoning district in which separate off-street parking facilities for where each land use would be permitted, subject to the following provisions:

A. **Legal Document Required**. A legally sufficient written agreement assuring the perpetual joint usage of said common parking for the combination of uses or buildings is properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, and filed with and made part of the application for a building permit.

B. **Percentage Reduction.** A reduction in parking requirements is permitted up to 60 percent for land uses that have opposite peak usage timeframes.

1. Any combination of land uses selected one from Group A and one from Group B is permitted.
    a. Group A.
        i. Amphitheater or Outdoor Performance Venue;
        ii. Park and Outdoor Recreation, Non-Commercial;
        iii. Place of Public Assembly, Indoor;
        iv. Recreation and Amusement, Indoor; or
        v. Recreation and Amusement, Outdoor.
    b. Group B.
        i. Adult Day Care Center;
        ii. Bank, Credit Union, and Financial Services;
        iii. Child-Care, Family Home;
        iv. Child-Care Facility, Group Home;
        v. Office, General; or
        vi. Office, Government.
2. Additional land use combinations will only be permitted by specific evidence that proves that the peak usage of the parking facility will not have any overlapping timeframes.

Sec. 28-3-13. Off-Street Loading

A. **Generally**. All uses shall provide off-street loading as required by this section and shall be configured as shown in this Section.

B. **Dimensions.**

1. Minimum width of loading bay (side to side): 12 feet.
2. Minimum length of loading bay (front to back):
    a. For semi-trailers: 60 feet.
    b. All other loading spaces: 25 feet.
3. Minimum vertical clearance: 14 feet.

C. **Use**.

1. No motor vehicle repair work or service of any kind is permitted in conjunction with any off-street loading facilities.
2. A loading space or berth may not be used to satisfy the space requirements for any off-street parking.

D. **Location**.

1. All loading spaces or berths must be located on the same lot as the use served.
2. No loading space or berth may be located within 40 feet of the nearest point of intersection of any two streets or highways.
3. Adequate off-street truck maneuvering space shall be provided on lot (and not within any public street right-of-way or other public property), so that trucks can maneuver to the docking area.
4. No loading space or berth may be located in a required front yard, a sight distance triangle, or in a manner that results in partially or wholly obstructing an alley or other public right-of-way.

E. **Access**.

1. Each required off-street loading space or berth must be designed with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.
2. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.
3. Where off-street loading areas are required, at no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded.

F. **Screening**. All motor vehicle off-street loading berth spaces for the loading or unloading of materials which are abutting or adjacent to a residential use or district must comply with the following standards:

a. The length of the loading area shall be screened by a Type B bufferyard that contains a six to eight-foot tall masonry wall; or
b. The loading area is enclosed by a roof and a wall between the building and the property line (a "loading shed"). The screening between the loading shed and property line may be reduced to a Type A bufferyard.

G. **Surfacing**. All open off-street loading spaces or berths must be graded and paved or otherwise improved with an all-weather, dust-free material.

H. **Size**. Each required loading space in the IN district must be at least 12 feet wide and 35 feet in length. All other required loading spaces must be at least 12 feet wide and 18 feet in length. All required loading spaces must be designated by signs as loading spaces.

Sec. 28-3-14. Use of Off-Street Parking

A. **Parking Facility Location for Personal Vehicles**. Personal vehicles including passenger cars, vans, pick-up trucks, camper trailers, recreational vehicles, and boats are subject the following standards:

1. *Location of Parking*.

a. *Within Enclosed Structure.* Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.

b. *Outside of an Enclosed Structure.* Parking is permitted outside of an enclosed structure subject to the following conditions:

i. The requirements of Sec. 28-3-17, *Surface and Maintenance*, are met; and

ii. The vehicle does not encroach on public right-of-way.

2. *Parking for Recreational Vehicles.* Parking and storage of recreational vehicles, campers, trailers, and boats is subject to the following additional conditions:

a. *Vehicle Length.* The length of the vehicle shall not exceed 20 feet if the vehicle is parked or stored in a required front yard or street side yard. Longer vehicles may be parked or stored within rear yards or interior side yards behind the required front yard setback.

b. The vehicle:

i. May not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle;

ii. May not be permanently connected to utility lines;

iii. May be used only by non-paying guests for a maximum of three consecutive days or 14 days during any calendar year; and

iv. Is maintained in a clean, well-kept state.

B. **Storage Prohibited.**

1. Storing or displaying materials, inoperable vehicles, or parking trucks or trailers longer than 40 feet is prohibited in parking areas, unless:

a. The use requires outdoor storage or display on the subject property; and

b. The areas that are set aside for such parking are not counted towards the parking requirements for the use within the applicable district.

2. The storage of trailers in loading spaces for a period in excess of 48 hours is prohibited. Such spaces shall be available for routine use by delivery vehicles.

3. Trash enclosures, dumpsters, recycling or donation bins, and transformers shall not be located in required parking areas or in locations that interfere with the circulation or use of parking spaces.

C. **Vehicle Work Prohibited.** No vehicle work of any kind or nature is permitted within off-street parking lots or parking garages except for emergency repairs.

D. **Blocking Access Prohibited.**

1. Loading or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces, drive aisles, fire lanes, ingress or egress points, or building entrances. However, tandem parking spaces may be used in valet lots.

2. Parking within a driveway approach or across public sidewalks is prohibited.

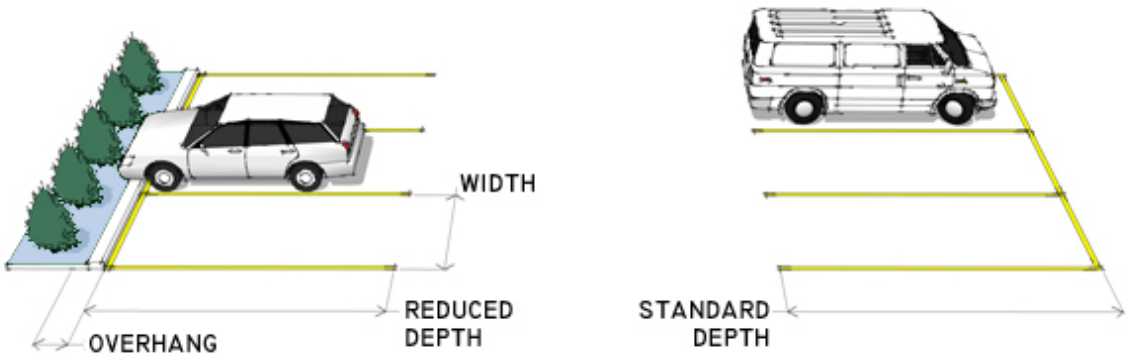
E. **Dedication of Spaces**. Off-street parking, loading, and stacking spaces shall not interfere with one another nor shall they be used interchangeably to meet one another's requirements.

Sec. 28-3-15. Design and Use

A. **Dimensions of Standard Parking Spaces.** Parking spaces shall have the following dimensions.

1. Generally: Nine feet in width x 19 feet in standard depth.
2. 90-degree parking spaces that abut a curb or the edge of pavement (allowing for an overhang): Nine feet in width x 17 feet reduced depth provided there is a six-foot-wide sidewalk or a minimum eight-foot planting area as shown in Figure 28-3-15-1, *Parking Space Dimensions*.
3. Parallel parking spaces: Eight feet in width by 20 feet standard depth.

Figure 28-3-15-1
Parking Space Dimensions



B. **Traffic Control Devices.** All traffic control devices (signs, marking, and signals) shall conform to the Manual on Uniform Traffic Control Devices, latest edition, published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

C. **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. Additional clearance shall be provided for larger vans, sports utility vehicles, and light trucks that require such clearance if parking demand from such vehicles is anticipated. All parking garage entrances shall include an overhead bar to alert oversized vehicles regarding clearance.

D. **Parking Module Dimensions.** Parking modules shall conform to the standards as shown in Table 28-3-15, *Parking Module Standards*. The dimensions that are set out in the table are illustrated in Figure 28-3-15, *Parking Module Dimensions.*

Table 28-3-15
Parking Module Standards

Measurement	Parking Space Angle (Degrees)			
	0 / Parallel Parking	45	60	90
One Stall Row, One-Way Aisle				
Stall Row Depth	8 ft.	20 ft. 7 in.	21 ft. 11 in.	19 ft.
Drive Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	24 ft.
Minimum Module Width (row & aisle)	21 ft. 2 in.	34 ft. 5 in.	34 ft. 5 in.	44 ft.

Table 28-3-15 Parking Module Standards				
Measurement	Parking Space Angle (Degrees)			
	0 / Parallel Parking	45	60	90
Two Stall Rows, One-Way Aisle				
Stall Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	38 ft.
Drive Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	24 ft.
Minimum Module Width (row & aisle)	29 ft. 2 in.	54 ft. 11 in.	59 ft. 2 in.	64 ft.
One Stall Row, Two-Way Aisle				
Stall Row Depth	8 ft.	20 ft. 7 in.	21 ft. 11 in.	19 ft.
Drive Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	24 ft.
Minimum Module Width (row & aisle)	31 ft. 3 in.	40 ft. 7 in.	43 ft. 11 in.	44 ft.
Two Stall Rows, Two-Way Aisle				
Stall Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	38 ft.
Drive Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	24 ft.
Minimum Module Width (row & aisle)	39 ft. 3 in.	61 ft. 1 in.	65 ft. 8 in.	64 ft.

Figure 28-3-15-2
Parking Module Dimensions

Illustrative dimensions for two stall row parking module

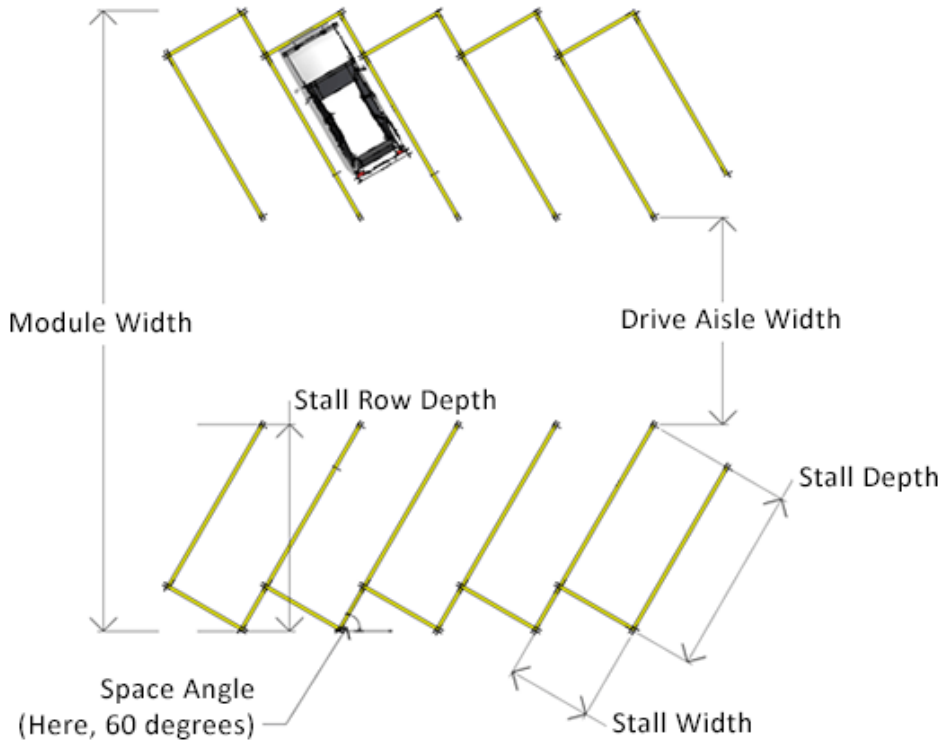
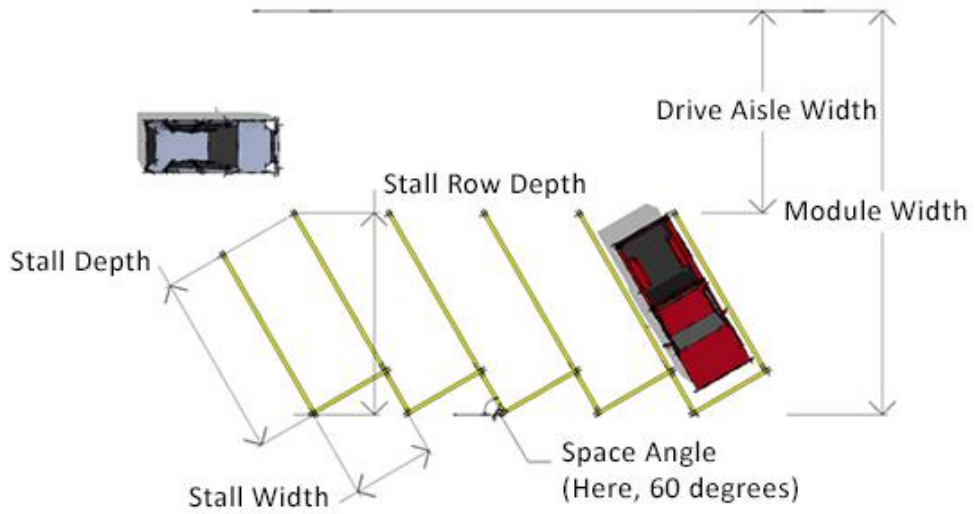


Figure 28-3-15-2
Parking Module Dimensions

Illustrative dimensions for two stall row parking module



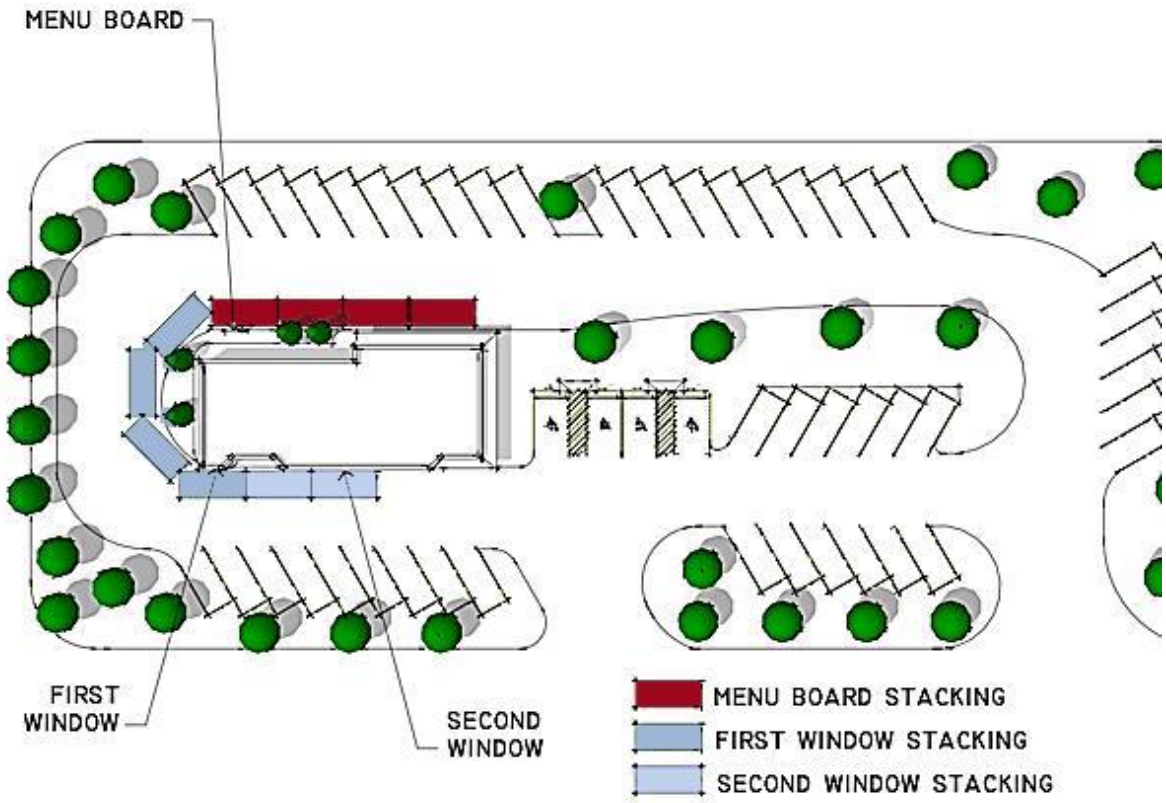
Sec. 28-3-16. Stacking Requirements

A. **Generally.** Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations or car washes. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window or wash bay. The position in front of a drive-through station (e.g., a service window, ATM, wash bay, or station at a drive-through bank) or car stall is counted as a stacking space.

B. **Requirements.** Uses that include drive-through service or a car wash shall not have fewer than the following numbers of stacking spaces:

1. *Financial institutions, convenience stores, or pharmacies*: Four stacking spaces per drive-through station.
2. *Drive through restaurants*:
   a. If two service windows are provided (one for payments and one for pick-up):
      i. Four stacking spaces to each menu board;
      ii. Four stacking spaces between the menu board and the first window (including the position at the first window); and
      iii. Two spaces between the first window and the second window (including the position at the second window). See Figure 28-3-16**,** *Illustrative Stacking Requirements.*

Figure 28-3-16
Illustrative Stacking Requirements



b. If one service window is provided (for both payments and pick up):
   i. Six stacking spaces to each menu board; and
   ii. Five stacking spaces between the menu board and the service window.

3. *Drive-through only uses*: In buildings with less than 300 square feet of floor area and no separate menu board (e.g., coffee stands, photo processing): Three stacking spaces per service window.
4. *Dry cleaners*: Two stacking spaces, including the position at the window.
5. *Car Wash*: Two stacking spaces, including the car stall.
6. *Day Care Center:* Five stacking spaces, including the car stall.

C. **Design.**

1. Stacking lanes shall be clearly marked and shall not interfere with on-site or off-site traffic circulation.
2. Stacking areas shall not be located between the façade of a building and the public street upon which the building fronts.
3. Stacking lanes shall be designed with an abutting eight-foot wide bypass lane.

Sec. 28-3-17. Surface and Maintenance

A. **Surfacing**.

1. *Generally*. Off-street parking and vehicular use areas shall be surfaced, graded and constructed with Portland cement concrete (PCC) or asphalt. Such surface must protect against potholes, erosion, and dust.
2. *Exceptions.*
   a. A permeable parking surface may be used on 20 percent of the total surface area of the required lot provided that the location of the permeable surface is not used in a drive aisle.
   b. Within the storage yards of uses within the IN district, less durable surfaces for portions of off-street parking facilities are permitted provided that:
      i. The perimeter of such areas is defined by curbing, bricks, stones, railroad ties, or other similar devices;
      ii. Surfaces with loose materials are set back at least 25 feet from public street right-of-way;
      iii. The material does not generate an inordinate amount of dust;
      iv. The proposed location is proximate to on-site storm water control devices; and
      v. The area does not exceed 25 percent of the required parking area for the site.

B. **Maintenance**. Off-street driveways, parking surfaces, access aisles, and traffic control devices shall be kept in good condition and parking space lines or pavement markings on hard-surfaced lots shall be kept clearly visible and distinct.

Sec. 28-3-18. ADA Parking

A. **Location of Spaces.** The spaces designated for ADA compliance shall be the spaces that are closest to the front door of the business.

B. **Number of Spaces.**

1. *Required Parking Spaces*. The American with Disabilities Act (ADA) requires a certain number of required disabled parking spaces as part of new development and redevelopment. The required disabled parking spaces shall be incorporated into, rather than in addition to, the overall number of parking spaces required in all zoning districts, as established in the Zoning District tables titled, *Permitted Uses and Minimum Off-Street Parking Spaces*, in Division II-2, *Zoning Districts*:
2. *Specific Number of Required Spaces.* The minimum number of required disabled parking spaces is set out in Table 28-3-18, *Parking for Persons with Disabilities*.

Table 28-3-18
Parking for Persons with Disabilities

Number of Standard Automobile Spaces	Number of Required Disabled Parking Spaces	Number of Disabled Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1

Table 28-3-18 Parking for Persons with Disabilities		
Number of Standard Automobile Spaces	**Number of Required Disabled Parking Spaces**	**Number of Disabled Spaces that Must be Van Accessible**
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total	1 out of 8 disabled parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

Sec. 28-3-19. Special Studies

A. **Generally**. This Section sets out parking standards for uses that, based on the nature of the use, can have a large amount of variability and need to be evaluated on a case-by-case basis. The number of off-street parking stalls required shall be based on a special study of the parking demand for the identified use.

B. **Special Studies**. Required parking for these uses shall be established according to the following standards:

1. *Requirements*.
   a. A special study shall be conducted by a qualified, certified traffic engineer at the applicant's and/or owner's expense.
   b. The special study shall provide:
      i. A peak parking analysis of at least five functionally comparable uses; and
      ii. Documentation regarding the comparability of the referenced uses, including: name, function, location, gross floor area, parking availability, access to transportation networks (including vehicular, bicycle, pedestrian, and transit, as applicable), use restrictions, and other factors that could affect the parking demand.
2. *Approval of Special Study*. The City may rely upon the special study or may request additional information or analysis, including, but not limited to: alternative or new data points, or consideration of additional or alternative factors related to comparability or peak demand, as supported by sound engineering principles.

Sec. 28-3-20. Site Access and Circulation

A. **Ingress and Egress.**

1. *Direct Access to a Public Street*. Adequate provision for ingress and egress to all parking spaces shall be provided by driveways or maneuvering areas with direct access to a public street or to a private right-of-way easement.
2. *Easement Requirements*. A private right-of-way easement shall be:
   a. Legally binding in form and substance;
   b. Recorded in the office of the register of deeds of Fort Bend County; and

c. A certified copy of the same, with evidence of recording thereon, shall be filed with the Administrator.

B. **Required Driveway Design.**

1. One-way driveways shall be:
   a. At least 12 feet wide when the angle of parking is 45 degrees; and
   b. 17 feet, six inches when the angle of parking is 60 degrees.
2. Parking facilities other than driveways for single-family and manufactured home residential uses and on-street parking must permit vehicles to enter a street in a forward position.

Sec. 28-3-21. Bicycle Parking

A. **Generally.** Where bicycle parking is provided, this Section applies.

B. **Bicycle Parking Design Standards.** If provided, bicycle parking shall be designed with the following characteristics:

1. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped lock with both wheels left on the bicycle (designs that only allow one locking point at the wheel are prohibited);
2. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components; and
3. The racks are securely anchored to a hard surface as shown in Figure 28-3-21, *Illustrative Permitted Bicycle Parking System*.

Figure 28-3-21
Illustrative Permitted Bicycle Parking System

DIVISION III-3: Buffering, Landscaping, and Screening

Sec. 28-3-22. Purpose

The standards and requirements set out in this Division are intended to:

A. Protect and preserve the appearance and character of the community;

B. Promote the health and quality of life of the residents of the City through the protection of specified trees located on property within the City;

C. Protect the value of the City's natural heritage; and

D. Establish standards for removal, maintenance, and planting of trees.

Sec. 28-3-23. Applicability

A. **Generally**.

1. *Development Landscaping*. There are two types of development landscaping:
   a. Site landscaping; and
   b. Parking lot landscaping.
2. *Bufferyard Landscaping*. Bufferyards are required based on zoning, development type, or right-of-way type that is adjacent to a parcel proposed for development. Bufferyards may be required along and between:
   a. District boundaries with varying levels of intensity;
   b. Housing types within planned neighborhoods;
   c. Different types or intensities of uses within a mixed-use development; and
   d. Certain rights-of-way such as railroads, state highways, or farm-to-market roads.

B. **Application of Standards.** The standards of this Division shall apply to all parcels proposed for development and substantial reconstruction of existing buildings or structures upon application for a building permit.

C. **Exceptions.** The following are exempted from this Division:

1. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss;
2. Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;
3. Enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 25 percent. Where such enlargements are 26 percent or greater, these provisions shall apply only to that portion where the new development occurs.
4. Sites that are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping would be impractical or unreasonable, in which case the Administrator may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only to the extent necessary to make the installation practicable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided within this Section.

Sec. 28-3-24. Plant Materials and Locations

A. **Approved Plants.** Only approved plant materials count towards the landscape requirements of this Division. A list of approved plant materials is set out in Appendix C, *Plant Lists*.

B. **Allowed Plants.** Plants that are not listed on the approved plant list or the prohibited plant list are allowed, but they are not counted towards compliance with this Division. Applicants who wish to count such plants are advised to seek an amendment to the approved plant list to include them. Plants may be added to the list if it is demonstrated by credible evidence that the species:

1. Is not on the Texas State Noxious Weed List, as provided by the United States Department of Agriculture (USDA);
2. Is either native to the region or not invasive; and
3. Provides habitat for native wildlife or migratory birds.

C. **Prohibited Plants.** Plants that are on the Texas State Noxious Weed List, as provided by the USDA.

D. **Prohibited Non-Living Landscape Material.** Rubber mulch is prohibited as a landscaping material.

E. **Minimum Size of Plants at Installation.** Plant material that is installed to comply with the requirements of this Division shall be of the sizes set out in Table 28-3-24, *Minimum Size of Plants at Installation*.

Table 28-3-24
Minimum Size of Plants at Installation

Type of Plant Material	Minimum Size at Installation
Canopy Tree	2.5-inch caliper
Small Tree	2.5-inch caliper
Evergreen Tree	6 foot in height
Shrub	18-inch height or spread

E. **Distance from Utilities.**

1. No canopy trees shall be planted within 25 lateral feet of any overhead utility lines.
2. No trees shall be planted over or within five lateral feet of any underground utility line, or as required by the owner of the utility.

F. **Sight Distance Triangles.** Plant materials shall not be installed where they may compromise a sight distance triangle.

Sec. 28-3-25. Landscape Requirements

A. **Generally.**

1. *Applicability*. Site landscaping is required around multiple-family buildings, civic, institutional, commercial office and retail, industrial, and mixed-use buildings.
2. *Planting Requirements*. The required number of canopy and small trees and shrubs or ornamental grasses as set out in the respective zoning district.
3. *Substitution*. Small trees may be substituted for canopy trees where there is sufficient room for the healthy growth and stability of the tree at a rate of three canopy trees per one canopy tree.

B. **Foundation Landscaping.**

1. Building foundation plantings shall be required for all multiple-family, civic, institutional, commercial, and mixed-use sites as set out in Table 28-3-25, *Foundation Planting Requirements*.
2. Building foundation planting must include a combination of low height plant materials (shrubs, ornamental grasses, perennials) and shall be installed and maintained next to and along all building foundation lines where not impeded by building entrances, loading areas, and sidewalks. Foundation plantings may be installed at grade, in raised planters, or decorative plant containers.
3. Foundation plant materials shall not count towards the fulfillment of any other landscaping requirement.

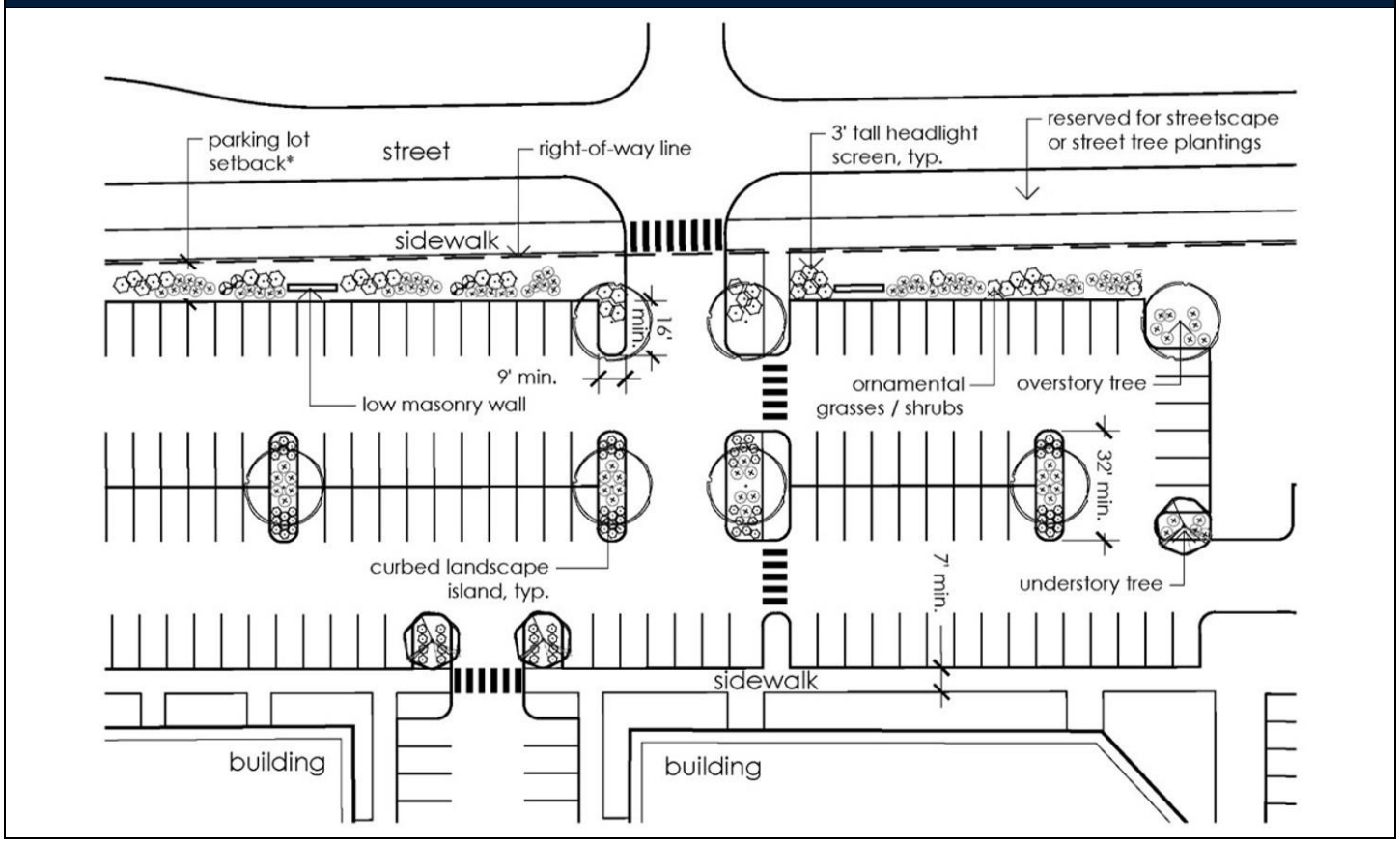
Table 28-3-25 Foundation Planting Requirements			
District	Minimum Radius Around Building		
	Front and Street Side	Side	Rear
SC, GC, DD, SO	10 ft.	8 ft. [1]	6 ft. [1]
IN	8 ft.	6 ft. [1]	NA

TABLE NOTE:
Where planting areas are required, they may be crossed with sidewalks to provide access to the building or buildings.
[1] Foundation plantings are required when adjacent to a parking lot or drive-through on the same or adjacent lot.

C. **Off-Street Parking, Driveways and Loading Areas**.

1. *Parking Lot Design*.
   a. All rows of parking shall be terminated with a curbed landscaped island that is a minimum nine feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).
   b. No off-street parking or loading area shall be more than 75 feet from an canopy tree located within a landscaped open space area.
   c. Sidewalks that abut the front edge of any parking stall shall be no less than seven feet wide to accommodate a two feet vehicle overhang.
2. *Landscaping Required*. All parking lot islands shall be landscaped with a combination of turf grass, ornamental grass plantings, plant beds, shrubs, and trees. Rock, chip brick, pavers, pavement and similar hard surfacing shall not be permitted within a parking lot island. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation. No less than one canopy tree shall be planted within each required landscaped island. See Figure 28-3-25, *Off-Street Parking, Driveways, and Loading Areas*.
3. *Parking Lot Screening*. Whenever an off-street parking area fronts along a public street an average of one canopy tree and two small trees shall be planted every 50 feet within the parking lot setback area. Additionally, a minimum three-foot tall vehicle headlight screen shall be installed between the parking lot and the adjoining street along the entire linear frontage. This screen can be constructed with any combination of ornamental grasses, shrubs, earth berming, and low masonry walls.

Figure 28-3-25
Off-Street Parking, Driveways and Loading Areas



D. **Street Trees Required**. Trees are required along all public streets as set out for each of the districts in Division II-2, *Zoning Districts* following the design standards provided in this Section

Sec. 28-3-26. Land Clearing and Tree Credits

A. **Applicability**. Unless exempted by this Section, no lot, parcel, or property within the SU (Multiple-Family only), SC, GC, DD, SO, and IN districts may perform any land clearance, site grading, removal or stockpiling of soil, or tree removal unless part of a building permit, land disturbance permit, site plan, or subdivision plat approved in accordance with Article IV, *Subdivision Regulations*.

B. **Exemptions**. The following activities shall be exempt from this Section:

1. Gardening and farming;
2. Landscape installation and maintenance;
3. Land clearing or grading that disturbs an area less than 2,000 square feet;
4. Exploratory digging or boring by a soils engineer, geologist, archeologist, or similar professional for the purposes of investigating site conditions;
5. Excavations for wells or utilities; and

6. Land clearing, grading, removal or stockpiling of soil, sand, gravel, or rock as part of a permitted operation, such as a sand and gravel materials plant.

C. **Standards**

1. *Grading and Drainage*. All sites will be graded to maintain stable slopes and so as not to negatively impact adjoining properties. Grading and storm water management facilities will be designed, installed, and maintained so that surface and storm water appropriately drains to an approved facility or drainage way and in accordance with all rules governing drainage and storm water management.
2. *Sediment and Erosion Control*. All sites will employ appropriate sediment and erosion control measures and comply with all rules governing sediment and erosion control.

D. **Credits for Significant Trees.** Development sites that preserve mature trees may be given credit towards the fulfillment of their landscape requirements as contained in this Division. Credit may only be granted for Significant Trees located on the same lot or parcel and only those as detailed on a landscape plan, signed by a licensed landscape architect and/or certified arborist, that certifies the species, caliper, and health of the identified Significant Trees. The landscape plan must further identify the methods by which the Significant Trees will be protected during construction and that adequate clearance will be maintained around the drip line of the tree to prevent soil compaction and provide the tree with adequate access to water, nutrients, and air.

E. **Rate of Credit.** Table 28-3-26, *Tree Preservation Credit*, identifies the rate at which credit will be given for the preservation of Trees of Significance.

Table 28-3-26
Tree Preservation Credit

Significant Tree Caliper Size	Landscape Credit Per Canopy Tree
6 to 12 inches	3
12 to 24 inches	4
24 to 36 inches	5
Greater than 36 inches	6

Sec. 28-3-27. Bufferyards

A. **Generally.** The required bufferyards are based on the amount of screening they provide. Bufferyards are classified from less screening ("Type A") to more screening ("Type C").

B. **Classifications**.

1. *Types***.** There are three types of bufferyards, each of which vary in width and the numbers and types of plants required per 100 linear feet, or portion thereof. The minimum planting requirements for each type and composition of bufferyard are set out in Table 28-3-27, *Bufferyard Classifications.*
2. *Composition***.** Bufferyards may be classified as:
   a. Structural, which include the use of a wall or a fence to achieve the required level of screening; and
   b. Natural, which include the use of an earthen berm and a higher density of plant materials.

Table 28-3-27 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet (Structural / Natural)				Height of Berm, Wall or Fence[1]
		Canopy Trees	Evergreen Trees	Noncanopy Trees	Shrubs	
Type A	5 ft.	1/2	1/2	1/3	20/25	-
Type B	10 ft.	2 / 3	2 / 2	2 / 1	20 / 20	-
Type C	20 ft	3 / 6	3 / 3	3 / 4	30 / 30	6 ft.
TABLE NOTE: [1] A berm, wall, or fence is not required for natural bufferyards.						

C. **District Standards.** The required bufferyards for the SC, GC, DD, SO, and IN districts are set out in Division II-2, *Zoning Districts*.

E. **Other Buffering Requirements**. If a bufferyard is required by another Section of this CDO, then the greater requirement shall supersede the lesser requirement.

F. **Adjacent Development**.

1. *No Bufferyard*. Where the adjoining property is an existing single-family detached or attached property or development that does not have the required bufferyard, the multiple-family, civic, institutional, commercial, industrial, and mixed-use development shall provide a bufferyard of the next higher classification than required (e.g., Type A Bufferyard, the parcel must install a Type B bufferyard).

2. *Compatibility*. New residential development is required to provide an increase in the level of screening of a bufferyard (e.g., Type A to Type B) when adjacent to an existing single-family detached or attached residential use or district if:

   a. The lot width(s) of the new development is(are) less than 80 percent of the lot widths of the nearest existing lot(s);

   b. The building height(s) of the new development is(are) more than eight feet taller than the building height(s) of the nearest existing lot(s); or

   c. The housing type(s) located on the lots abutting existing development is(are) denser than the existing development (e.g., single-family attached or multiple-family abutting single-family detached).

G. **Existing Buffer Treatments.**

1. *Generally.* Existing trees, fences, and walls may be counted toward the bufferyard requirements, provided the trees are in good health and the fences or walls are structurally sound, in good repair, and of an upright condition.

2. *Credit***.**

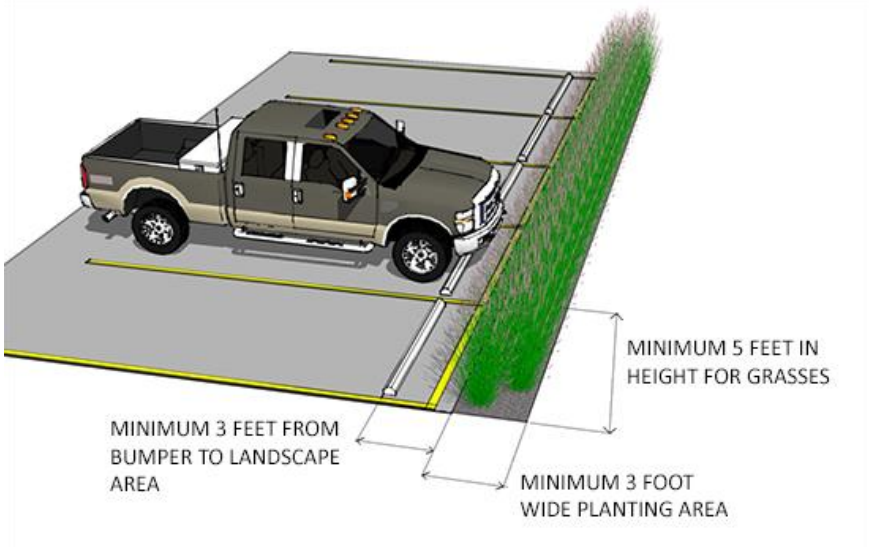
   a. Credit shall be given for existing trees that are located within bufferyards according to the standards of Sec. 28-3-26*, Land Clearing and Tree Credits*.

b. Credit shall be given for a structural bufferyard if an existing fence or wall is on or near the property line, provided:
   i. The fence or wall meets the requirements of this Section;
   ii. The height and level of screening meets the intent of this Section; and
   iii. The applicant records an agreement with assurances to repair or replace the fence or wall if it is damaged, destroyed, or removed.

H. **Parking and Vehicular Use Bufferyards**.

1. *Generally*.
   a. The required bufferyards set out in Division II-2, *Zoning Districts*, are to mitigate headlight glare on adjacent property and to reduce the aesthetic impact of parked cars.
   b. Vehicular use areas, such as parking lots, drive-through and drive-in lanes, stacking areas, and common drives shall also be buffered as set out in Division II-2, *Zoning Districts*.
2. *Where Required*. Bufferyards are required:
   a. Between parking lots and adjacent properties unless:
      i. The area is occupied by a building; or
      ii. Another required bufferyard provides ample screening.
   b. Between parking lots and streets, except in areas where:
      i. The elevation of the parking lot is three feet or more below the crown of the street; or
      ii. The area is occupied by a building; or
      iii. Another required bufferyard provides ample screening.
3. *Composition*. Parking lot bufferyards shall be composed of one or a combination of the following:
   a. A three-foot tall masonry wall measured from the surface of the parking lot closest to the wall;
   b. An earthen berm with a maximum 3:1 slope mounded to a minimum height of three feet, provided shrubs are planted along 50 percent of the linear dimension required to be screened;
   c. Shrubs planted in a continuous buffer to a minimum height of three feet or five feet if ornamental grasses are used in lieu of shrubs. The landscape area shall be set back three feet from the edge of pavement or the face of the curb or parking bumper facing the parking space. See Figure 28-3-27, *Parking Lot Bufferyard*.

Figure 28-3-27
Parking Lot Bufferyard



Sec. 28-3-28. Screening and Fencing

A. **Obstructions**.
   1. No fence, screen, wall, or other visual barrier shall be located or placed to obstruct the vision of a motor vehicle driver approaching within 30 feet of any street intersection.
   2. Where an alley intersects a street, no visual barrier taller than 30 inches may be placed within a sight visibility triangle.

B. **Wall Finish**. All required screening walls shall be equally finished on both sides of the wall.

C. **Rural and Residential District Maximums**. In the following residential districts (SR, SU, or MH) or along the boundary between a residential and nonresidential district, the following standards apply:
   1. *Rear and Side Yards*. No fence or wall shall exceed a height of eight feet above grade.
   2. *Front Yard*.
      a. The maximum height of a fence or wall shall not exceed three feet. A minimum opacity of 50 percent is required.
      b. Fences in the manufactured home parks shall not exceed a height of four feet.
   3. *Corner Lot*. Where a corner lot is platted with two front yards, and a house is constructed facing one of the front yards, the second front yard shall also be deemed to be a front yard.

D. **Nonresidential and Multiple-Family Uses**.
   1. *Contiguous to Residential*. Where a multiple-family or nonresidential use is contiguous to an ER, SR, MH, or SU district, a solid wall, fence or opaque landscape screen of not less than six nor more than eight feet in height shall be erected on or near the property line separating these districts.

2. *Adjacent to Public Street*. When a side or rear yard of a multiple-family, civic, institutional, commercial, industrial, or mixed-use is adjacent to a public street, a solid wall, fence or opaque landscape screen of not less than six nor more than eight feet in height shall be erected.

Sec. 28-3-29. Maintenance

A. **Responsibility.** The owner of the lot or parcel or the manager or agent of a homeowners' or property owners' association shall be responsible for the maintenance of all landscape areas.

B. **Maintenance Standards.**
   1. All landscaped areas shall be kept free from refuse and debris.
   2. Maintenance and care of landscaping shall be according to the most current ANSI A300 Standards for Tree Care Operations.

C. **Landscape Plan.** A landscape plan shall identify the plant installation methods and landscape maintenance program for all landscaped areas.

D. **Approval and Timing of Approval.**
   1. In reviewing plans, adjustments in the location of plants may be required where such alterations will better serve the purposes for which they are intended.
   2. Landscape plans containing street trees, open spaces, site features, bufferyards, and required landscaping shall be submitted for approval at the preliminary plat application stage.

DIVISION III-4: Signs

Sec. 28-3-30. Purpose

The purpose of this Article is to ensure that:

A. Each sign user has a reasonable opportunity to provide information, identification, and/or direction to a use or property;

B. The reasonable, orderly, and effective display of outdoor nonresidential and residential messages is consistent with all relevant National or State programs to protect the public investment in highways;

C. The safety of the public and the viability of nonresidential corridors are promoted by reducing:
   1. Sign clutter;
   2. Conflicts between and among signs; and
   3. The incidence of certain design elements that tend to distract motorists;

D. The character of the community is protected by requiring the proper maintenance of signs and the removal of abandoned or dilapidated signs;

E. The number, size, scale, proportions, design, and balance of signs are regulated according to content-neutral standards that are based on architectural quality and character; and

F. The beauty, visual aesthetic, and general attractiveness of the City is maintained and enhanced and thus, the economic prosperity of the City and region is positively influenced.

Sec. 28-3-31. Applicability

A. **Generally**. As of the effective date of this CDO, all erection, construction, modification, relocation, repair, maintenance, or conversion of signs within the City of Fulshear shall conform to the standards and requirements of this Division, all State and Federal regulations concerning signs and advertising, and all applicable building codes. Generally, signs are approved by issuance of a sign permit, as set out in Sec. 28-3-33, *Signs Requiring a Permit*, except signs identified in Sec. 28-3-34, *Signs Not Requiring a Permit.*

B. **Extraterritorial Jurisdiction (ETJ).** The regulations established in this Division are hereby applicable to all signs located in the extraterritorial jurisdiction of the city, as established by V.T.C.A., Local Government Code Ch. 42.

C. **No Restriction on Content**. This Division regulates only the sign structure or copy design, and not the sign's content. Despite any other provision of this Division, no sign is subject to any limitation based on the content of its message. Any sign authorized in this Division may contain any non-commercial copy in lieu of any other copy.

D. **Exemption for Addressing.** If the City Council finds that the posting of addresses of buildings in locations that are visible from the street is necessary for the effective delivery of public safety services, including E-911. The efficient and timely delivery of emergency services is a compelling governmental interest. Accordingly, the City requires that street addresses shall be posted as follows:
   1. For nonresidential uses, street addresses shall be posted at:
      a. All primary building entrances; and
      b. On detached signage if the address on the building is not visible from the street.
   2. For residential uses, street addresses shall be posted:
      a. On the façade of the building that faces the street from which the address is taken; and
      b. On the mailbox or mailbox support, if the mailbox is detached from the building.
   3. Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than 14 inches in height.

E. **Signs Permitted Before Effective Date.** If a permit for a sign has been issued in accordance with all City ordinances in effect prior to the effective date of this CDO, and provided that construction is begun within six months of the effective date of this Division and diligently built to completion, the sign may be completed in accordance with the approved plans on the basis of which the permit has been issued, subject thereafter, to the provisions of this CDO regarding nonconforming signs. See Article V, *Nonconformities*.

Sec. 28-3-32. Design, Construction, and Maintenance

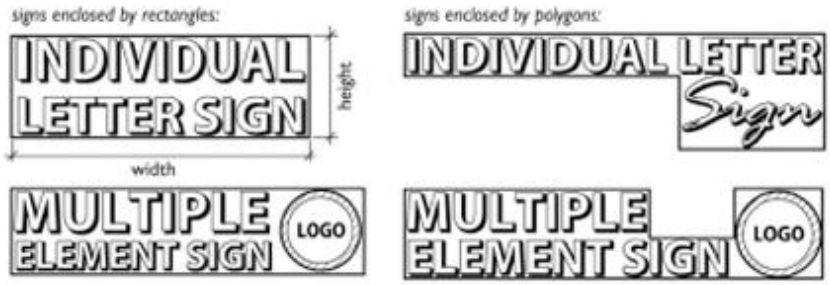
A. **Generally**. A sign described in this Division shall comply with the restrictions provided in this Division, all other requirements of the Code of Ordinances, and applicable State and Federal law.

A. **Sign Area.** Sign area is calculated as follows:
   1. *Generally*. The area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed, excluding the structure upon which the sign is placed; but including any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any

kind composing the display face, whether or not this open space is enclosed by a frame or a border as shown in Figure 28-3-32-1, *Sign Area*, *Generally*.

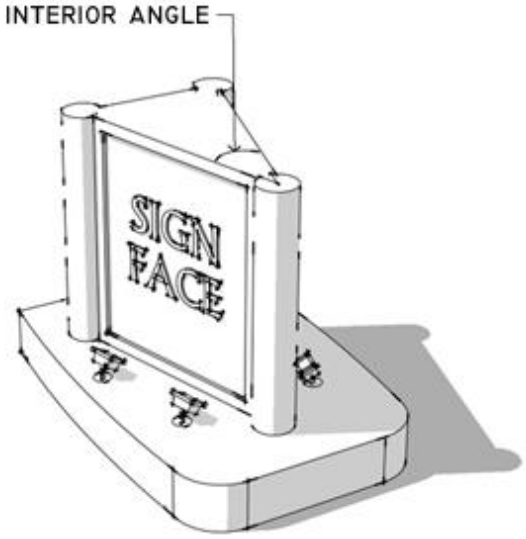
Figure 28-3-32-1
Sign Area, Generally

The sign areas of the illustrative signs below are measured as the smallest area that encloses the graphics.



2. *Double-Faces*. For projecting or double-faced signs, only one display face is measured in computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less, provided that the signs are mounted on the same structure. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face as shown in Figure 28-3-32-2, *Sign Area, Illustration of Double-Faced Signs*.

Figure 28-3-32-2
Sign Area, Illustration of Double-Faced Signs



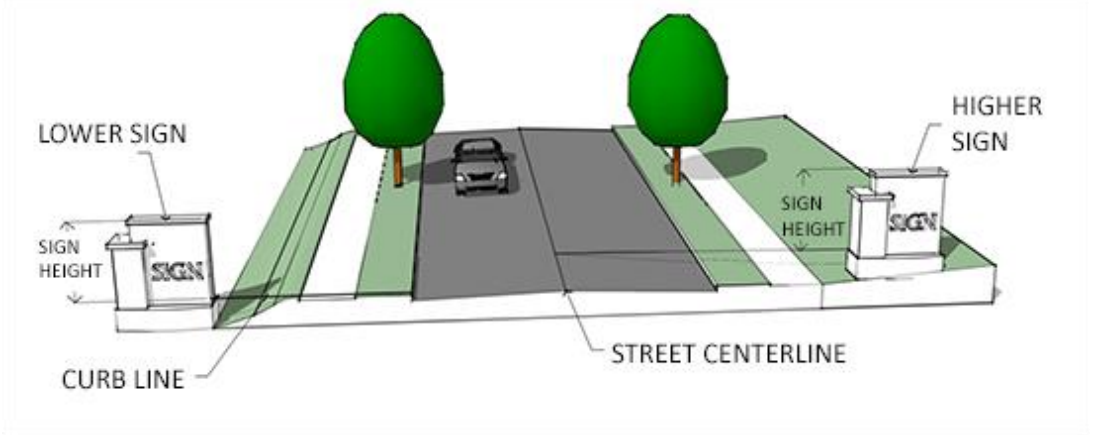
C. **Clearance.** Clearance is the distance between the bottom of a sign and the nearest point on the surface under it. See Figure 28-3-32-3, *Sign Clearance*.

Figure 28-3-32-3
Sign Clearance

D. **Sign Height.**

1. *Generally*. Sign height is the distance from the average grade of the surface under the sign to the top of the sign or sign structure, whichever is higher. However, chains or brackets that suspend a shingle sign from a horizontal plane of the building, awning, or canopy are not counted, provided that:
   a. There are no more than three chains or brackets used in the mount, and
   b. The chains or brackets are less than three inches in width.
2. *Monument Signs*. The height of monument signs is measured as provided in Sec. 28-3-32(D)(1), below, unless the surface under the sign is lower than the centerline of the abutting street, in which case the height is measured from the average elevation of the centerline of the abutting street along the frontage of the parcel for which the sign is proposed to the top of the sign or sign structure, whichever is higher as shown in Figure 28-3-32-4, *Monument Sign Height*.

Figure 28-3-32-4
Monument Sign Height



E. **Illumination of Signs**.

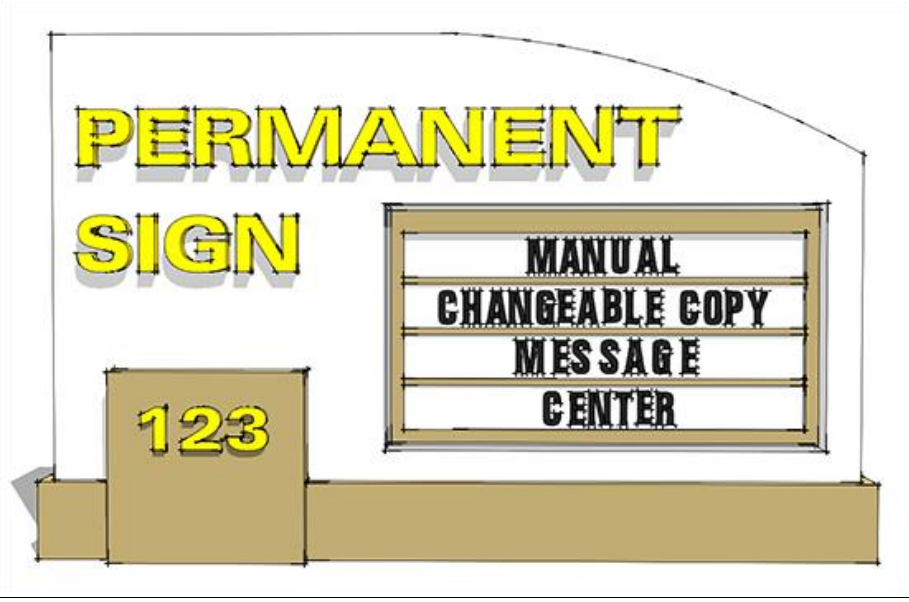
1. *Generally***.** Monument signs may be illuminated only by a reflected or internal light source.
2. *Shielding of Light Source/Prevention of Glare***.** The source of light shall be oriented or otherwise controlled to prevent glare toward any part of an existing residence, a residential area, or a public street or highway and shall not cause a property to exceed the illumination requirements established in Sec. 28-3-40, *Illuminance*.
3. *Code Compliance***.** Illuminated signs shall be constructed in accordance with all applicable electrical codes.

F. **Electronic Message Board Signs.** Electronic Message Board Signs are prohibited.

G. **Changeable Copy Centers.**

1. *Enclosure Required*. Changeable Copy Centers (CCC) that are a component of another sign type shall be enclosed on all sides with a finish of brick, stone, stucco, finished metal, or other durable material that is used for that portion of surface of the sign face that is not a CCC. The CCC shall appear to be either recessed into the frame or flush with it. The enclosure shall extend not less than 4 inches outward from the CCC display on all sides.
2. *Size and Proportions*. The total square footage of the permanent sign CCC shall not exceed the maximum sign area permitted for that sign type within the zoning district where the proposed sign is to be located.
3. *Design*. CCCs shall be designed as an integral part of the sign. See Figure 28-3-32-5, *Changeable Copy Center Design Requirements*.

Figure 28-3-32-5
Changeable Copy Center Design Requirements



H. **Construction and Identification**.

1. *Construction***.** All permanent signs must be in compliance with the provisions of the building codes that are adopted by the City.
2. *Identification.* Every permanent sign shall be marked, in a conspicuous place, with the name of the sign installer and manufacturer, and the voltage of any electrical apparatus used on it.

I. **Maintenance**.

1. *Generally***.** Signs and the ground area around signs shall be maintained as provided in this Section. These regulations apply to all signs, temporary signs or permanent, attached or detached, unless otherwise specifically provided in this Section.
2. *Upkeep of Ground Around Sign***.** No person constructing, erecting, owning, or controlling a monument sign shall fail, refuse, or neglect to remove all weeds, rubbish, or flammable waste or material within a distance of 10 feet on each side of the base of such structure.
3. *Sign Structure, Generally.* No person shall fail to keep a permanent sign and its structural supports in good repair and safe condition. This Section shall be enforced as provided in DIVISION III-4, *Signs*.
4. *Paint and Finishes***.** Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not part of the original design.
5. *Mineral Deposits and Stains***.** Mineral deposits and stains shall be promptly removed.
6. *Corrosion and Rust.* Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
7. *Level Position.* Signs that are designed to be level shall be installed and maintained in a level position.
8. *Damage or Destruction***.** Damaged signs and sign structures shall be promptly repaired (to their original condition or better) or removed. Damaged or destroyed nonconforming permanent signs are subject

to the applicable requirements of ARTICLE V, *Nonconformities*. Damaged or destroyed temporary signs shall be removed.

Sec. 28-3-33. Signs Requiring a Permit

A. **Generally.** There are many forms of permanent signs and temporary signs that require approval from the City of Fulshear. The standard established in this Section detail the form, size, and height, and design criteria standards of all permanent and temporary signs in the City of Fulshear and its Extraterritorial Jurisdiction (ETJ) that require a permit or specific approval before they are placed on a residential or nonresidential parcel.

B. **Applicability**. The standards of this Section apply to all new development, redevelopment, substantial improvement, and expansion of signs that require approval in coordination with the district(s) in which the sign is permitted per the tables titled Permitted Sign Types contained in each of the following Sections:

1. Sec. 28-2-5, *Estate Residential (ER)*;
2. Sec. 28-2-6, *Suburban Residential (SR)*;
3. Sec. 28-2-8, *Semi-Urban Residential (SU);*
4. Sec. 28-2-11, *Suburban Commercial (SC)*;
5. Sec. 28-2-14, *General Commercial (GC);*
6. Sec. 28-2-13, *Downtown (DD)*;
7. Sec. 28-2-12, *Suburban Office (SO)*;
8. Sec. 28-2-15, *Industrial (IN).*

C. **Total Number of Signs Permitted for Nonresidential Uses.** Nonresidential uses shall be permitted a maximum number of signs per individual business. The business may choose a combination of any of the permitted sign types stated in Table 28-3-33-1, *Permitted Freestanding Sign Types* and Table 28-3-33-2, *Permitted Attached Sign Types* so long as no more than four total signs are permitted unless a single tenant has a gross floor area (GFA) of more than 100,000 sq. ft. In this case, an additional sign is permitted for each additional 20,000 sq. ft. of GFA. Additionally, a business shall only be permitted one sign per sign type unless the business has two street frontages or one street frontage and the primary entrance to the business does not face the street. In these circumstances, the businesses shall be granted a maximum of two wall signs, and two monument signs.

D. **Permitted Freestanding Signs.** All permanent freestanding signs shall follow the standards established in Table 28-3-33-1, *Permitted Freestanding Sign Types*.

Table 28-3-33-1
Permitted Freestanding Sign Types

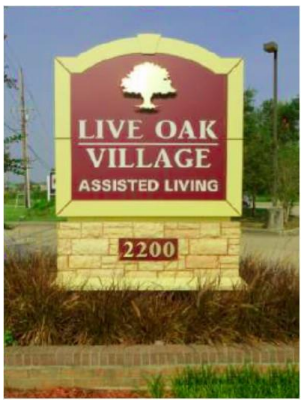
Sign Type and Limitations	Zoning District							
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet | DW = Down Lighting | EX = External Lighting | IN = Internal Lighting								
Monument Sign								
Number of Signs for residential uses	1 per subdivision entrance	-				-	1 per subdivision entrance	
Number of Signs Permitted for properties with one to nine businesses	1 per property					-	-	
Number of Signs Permitted for properties with 10 or more businesses	-	2, provided that the property has a minimum of 350 ft. of public street frontage				-	-	
Maximum Sign Area	72 sf.	72 sf.				-	72 sf.	
Maximum Sign Height	6 ft.	10 ft.				-	6 ft.	
Maximum Sign Width	-	12 ft.				-	12 ft.	
Minimum Setback	5 ft.	10 ft.				-	5 ft.	
Maximum Setback	5 ft.	10 ft.				-	10 ft.	
Minimum Sign Separation (separate lots)	-	50 ft.				-		
Minimum Sign Separation (same lot)	-	100 ft.				-		
Changeable Copy Permitted	-	-	Yes			-		
Illumination Type	EX, IN	EX, IN				-	EX, IN	
Other Standards	Permitted monument signs shall be: 1. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. 2. Decorative caps are permitted for each monument sign and shall not be included as part of the height calculation for that sign. All decorative caps shall not exceed the following maximum standards:							

Table 28-3-33-1
Permitted Freestanding Sign Types

Sign Type and Limitations	Zoning District							
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet | DW = Down Lighting | EX = External Lighting | IN = Internal Lighting								
	a. A maximum of two feet in height above the permitted monument sign height; b. Extend beyond the permitted width of a sign by more than one foot on each side; c. Are used for purely ornamental purposes; and d. Constructed of materials identical to or similar to the construction materials used in the construction of the sign. 3. Changeable copy signs shall only comprise a maximum of 20 percent of the permitted sign area. 4. Monument signs permitted at the entrance of residential development shall only display the name of the residential development.							
Access Sign								
Number of Sign Permitted	-	1 per vehicle use area entrance and exit					-	
Maximum Sign Area	-	4 sf.					-	
Maximum Height	-	4 ft.					-	
Minimum Setback	-	3 ft.					-	
Illumination Type	-	-					-	
Design Standards	1. Shall only display information that for circulation around the property. 2. May contain a small corporate logo or name of a business that shall not exceed two sf. and shall count as part of the maximum permitted sign area.							
Directory Sign								
Number of Signs Permitted	-	1 per property with a multi-tenant building				-	-	
Maximum Sign Area	-	2 sf. per linear foot of street frontage or 100 sf. whichever is smaller				-	-	
Maximum Height	-	8 ft.				-	-	
Minimum Setback	-	10 ft.				-	-	
Illumination Type	-	EX, IN				-	-	

Table 28-3-33-1 Permitted Freestanding Sign Types								
Sign Type and Limitations	Zoning District							
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet | DW = Down Lighting | EX = External Lighting | IN = Internal Lighting								
Other Standards	1. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. 2. Shall not contain any logos or marketing material related to the businesses or activities shown on the sign.							

E. **Permanent Attached Signs**. All permanent attached signs shall follow the standards established in Table 28-3-33-2, Permitted Attached Sign Types.

Table 28-3-33-2 Permitted Attached Sign Types								
Sign Type and Limitations	Zoning District							
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet								
Wall Sign								
Number of Signs Permitted	1 per public street-facing facade or 1 per individual tenant						-	
Max Sign Area[2]	10 percent of the front-facing building facade or width of the tenant space where the business is located						-	
Changeable Copy Permitted	-						-	
Illumination Type	-	EX, IN					-	
Other Standards	1. Wall signs shall not extend above facia, facade, or parapet wall upon which that sign is located. 2. The outer portion of any wall signs shall not be closer than two feet to the edge of the facade of the building upon which that sign is located.							
Window Sign[1]								
Number of Signs Permitted	-	1 per window frame		-	1 per window frame		-	
Maximum Sign Area	-	50 percent of the sf. of the window on which the sign is located		-	50 percent of the sf. of the window on which the sign is located		-	
Changeable Copy Permitted	-	-		-	-		-	

Table 28-3-33-2
Permitted Attached Sign Types

Sign Type and Limitations	Zoning District							
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet								
Illumination Type	-	-		-		-	-	
Awning Sign								
Number of Signs Permitted	-	1 per Each business of institution with its own ground floor entryway or storefront					-	
Maximum Sign Area	-	1 sf. per every ft. of awning or 30 sf. whichever is smaller					-	
Maximum Sign Height (Sign Lettering)	-	3 ft.					-	
Minimum Sign Clearance	-	8 ft.					-	
Maximum Projection (Distance from Facade)	-	3 ft.					-	
Illumination Type	-	EX					-	
Other Standards	1. Awning Signs shall only be externally illuminated. 2. No awning or awning sign shall be internally illuminated.							
Marquee Sign								
Number of Signs Permitted	-	1 per street facing facade		-		1 per street facing facade	-	

Table 28-3-33-2
Permitted Attached Sign Types

Sign Type and Limitations	Zoning District							
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet								
Maximum Sign Area	-	50 sf. per side or 100 sf. total whichever is less		-		50 sf. per side or 100 sf. total whichever is less	-	
Maximum Height	-	4 ft.		-		4 ft.	-	
Minimum Clearance	-	8 ft.		-		8 ft.	-	
Changeable Copy Permitted	-	Yes		-		Yes	-	
Illumination Type	-	DW, IN		-		DW, IN	-	
Other Standards	1. No marquee sign shall extend more than six feet from the facade of a building. 2. Marquee signage may be distributed to all three visible sides of the marquee.							
Hanging Sign								
Number of Sign Permitted	-	1 per main entrance to building or tenant space					-	
Maximum Sign Area	-	6 sf.					-	
Changeable Copy Permitted	-	-					-	
Minimum Clearance	-	8 ft.					-	
Maximum Height	-	2 ft.					-	
Maximum Width	-	3 ft.					-	
Illumination Type	-	DW					-	
Projecting Sign								
Maximum Sign Area	-	12 sf.		-		12 sf.	-	
Maximum Height	-	8 ft.		-		8 ft.	-	
Minimum Clearance	-	8 ft.		-		8 ft.	-	
Maximum Projection (Distance from Facade)	-	4 ft.		-		4 ft.	-	
Illumination Type	-	DW, EX, IN		-		DW, EX, IN	-	

Table 28-3-33-2 Permitted Attached Sign Types								
Sign Type and Limitations	Zoning District							
	ER, SR, SU	SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet								
Canopy Sign								
Number of Sign Permitted Business or Institution (occupying a multi-tenant building) with its Own Ground Floor Entryway or Storefront	-	1		-				
Maximum Cumulative Sign Area	-	45 sf.		-				
Maximum Height Per Sign	-	3 ft.		-				
Maximum Projection from building facade	-	6 ft.		-				
Minimum Clearance	-	8 ft.		-				
Illumination Type	-	EX, IN		-				
1. The standards within this Section apply to permanent and temporarily installed window signs.								

F. **Temporary Signs.** Temporary signs shall follow the standards established in Table 28-3-33-3, *Permitted Temporary Sign Types*.

Table 28-3-33-3 Permitted Temporary Sign Types								
Sign Type and Limitations	Zoning District							
	ER, SR, SU	SU, SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet								
Temporary Construction Signs								
Number of Signs Permitted	1 per public street frontage							
Maximum Sign Area	32 sf.							

Table 28-3-33-3 Permitted Temporary Sign Types								
Sign Type and Limitations	Zoning District							
	ER, SR, SU	SU, SC	GC	SO	IN	DD	ETJ	Illustrative Sign Example(s)
"-" = Prohibited | ft. = feet | sf. = Square Feet								
Maximum Duration	180 days							

G. **Special Event Directional Signs.** Special event directional signage shall be permitted provided that the event organizer submits an event signage plan that includes:

1. *Number of Signs.* The number of special event directional signs to be installed;
2. *Special Event Signage Duration.* All special event directional signs shall be installed no earlier than five days prior to an event and removed no less than one day following an event;
3. *Special Event Directional Signage.* The event organizer may place as many as ten special event directional signs throughout the community. Such signs may be installed no more than eight hours prior and removed no later than four hours after the event. Such signage may contain the name or logo of the event and directional information only.
4. *Map*. A map detailing the location of the special event directional signage and indicating the location of the special event announcement signage.
5. *Designated Contact*. The plan shall identify a designated contact person responsible for the signs' installation and removal.
6. *Fee*. The plan shall be accompanied by a nonrefundable fee which is on file in the City secretary's office.
7. *Display of Tags*. Following approval of the plan, the event organizer will be provided with tags by the City for placement on the signage to indicate compliance. Any special event with signage not bearing such a tag shall be found to be in violation of this Division and may prompt enforcement action.
8. *Compliance with Division*. No special event directional sign shall be permitted that would otherwise be in violation of this Division should it not be part of a special event application.

Sec. 28-3-34. Signs Not Requiring a Permit

A. **Generally.** The standards established in this Section detail the form, size, and height, and design criteria standards of permitted freestanding signs in the City of Fulshear and its Extraterritorial Jurisdiction (ETJ) that are exempt from requiring a sign permit.

B. **Governmental Signs**.

1. Any traffic sign erected at the authorization of either the county, state or federal government.

2. Any sign providing emergency notifications on a temporary basis lasting no more than 90 days erected at the authorization of the county, state or federal government.
3. Any sign erected by the City pursuant to and in the discharge of any governmental function.
4. Any reader panel sign for public schools and libraries, which shall be permitted provided that each such sign:
   a. Does not exceed 24 square feet in area;
   b. Meets all other design standards for monument signs;
   c. Does not exceed more than one such sign per school or library site;
   d. Contains only information that relates to such school or library;
   e. Be designed in such a manner that only authorized persons may change the message;
   f. Shall be attached to the school's or library's monument sign; and
   g. 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.
5. All government signs other than those listed in subsections B, 1 through 4 of this section shall be subject to the permitting requirements of this chapter.
6. All government signage is exempt from any fee charged related to permits issued.

C. **Private Traffic Control Signs**. Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.

D. **Railway signs**. Any sign on property owned by a railroad placed or maintained in reference to the operation of the railway.

E. **Utility and Hazard Signs**. Any sign marking utility or underground communication or transmission lines or pipes and hazards.

F. **Plaques**. Historical and commemorative plaques of recognized historical societies and organizations provided that such signs are less than 15 square feet in total area.

G. **Mailboxes and Addresses**.
   1. Addresses and names printed in a standard size on a mailbox provided that the address information on the side of a residence or business shall not exceed four square feet.
   2. Street markings indicating address information only containing address information painted on curbsides which shall not exceed four square feet.

H. **Temporary Freestanding Signs.**
   1. *All Temporary Freestanding Signs*. Temporary freestanding signs provided that the sign:
      a. Only be erected by the property owner or have written permission to install the sign from the landowner on which the sign is located;
      b. Only be allowed one sign per road frontage;
      c. Not be posted longer than 90 days;
      d. Not be located in any public right of way or on public property; and
      e. Not be illuminated or contain any moving parts.
   2. *Single Parcels Ten Acres or less.* Signs on parcels 10 acres or less that*:*

a. Shall not exceed six square feet in total sign area per sign face; and

b. Not be taller than five feet above the natural surrounding grade of the sign.

3. *Parcels Greater Than 10 Acres*. Sign on undeveloped and unsubdivided lots over 10 acres that exceed:

a. Eight feet in height above natural surrounding grade of the sign;

b. Eight feet in width is permitted; and

c. Exceed a maximum area of 32 square feet.

I. **Athletic Field Signs**. Signs located on the field side of scoreboards and fences of athletic fields.

J. **National or State Flags**. A national or state flag, or both, provided that they do not exceed 36 square feet in total area and are flown on a pole no more than 25 feet in height.

K. **Holiday Signs**. Holiday signs, as defined in this chapter, provided that they are installed no more than 35 days prior to the holiday for which they are customarily dedicated. Such signs shall be removed no later than 15 days after the holiday for which they are customarily dedicated.

L. **Property Identification Signs**. Any sign erected at the entrance of acreage or residential property that identifies the property by name or by name of the owner.

M. **Temporary Banners**. Temporary banners on any parcel of land in the SU, SC, GC, SO, DD, IN and ETJ districts that shall:

1. Be limited to one sign per property or business whichever is greater;

2. Not exceed five feet in height or 32 total square feet in sign area; and

3. Be displayed on multi-family, mixed-use, and nonresidential property for not to longer than 90 days in one calendar year and not longer than 30 consecutive days at one time.

N. **Ancillary signs**. Three or less ancillary signs when:

1. Placed on the door or exterior wall or window of the premises; and

2. No larger than four square feet in total sign area.

O. **Fine Art**. Works of fine art, as defined in this chapter, which in no way identifies or advertises a product or business.

P. **Sandwich Board Signs**. Shall be located in front of the business on private property or the sidewalk directly in front of their business during business hours but are not permitted on any other portion of public property or within the City's rights-of-way. Signs shall be:

1. Limited to one per business;

2. Seven square feet or less in sign area;

3. 42 inches or less tall;

4. 24 inches or less in width;

5. Internally weighted to withstand strong winds;

6. Placed in a manner that does not hinder safe sight lines for drivers;

7. Placed in a manner that does not impede foot traffic for other nearby businesses; and

8. Removed and secured inside a building on days where the National Weather Service or county office of emergency management has issued a severe weather statement relating to strong winds or red flag conditions.

Q. **Signs with Lighting**. All signs that have accessory lighting with the sign shall be:

1. From a single light source;
2. Static;
3. In conformance with Sec. 28-3-40, *Illuminance.*

Sec. 28-3-35. Prohibited Signs

A. **Generally.** Prohibited signs are not allowed within the City regardless of the zoning district which they are located within.

B. **Prohibited Sign Types.**

1. Revolving or moving signs;
2. Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags, or other similar devices;
3. Portable signs;
4. Snipe signs;
5. Signs located on a roof or otherwise attached to or painted on a building if it projects above the highest point on the building;
6. Signs or any portion thereof, that are located on or project or extend over any public sidewalk, street, alley, or other public property; provided, however, that if signs are located within the Downtown District (DD) they may project over the sidewalk so long as they comply with the design standards found in Sec. 28-3-33, *Sign Requiring a Permit;*
7. Signs that are deteriorated, dilapidated, or unsafe;
8. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency;
9. Signs located on or attached to a streetlight, utility pole, fire hydrant, bridge, traffic control device, street sign, or other building, facility, structure or equipment owned by the City without the prior written consent of the City;
10. Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any street from obtaining a clear view of approaching vehicles;
11. Illuminated signs which:
    a. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
    b. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.

12. Any sign that violates any sight visibility regulations of the City;
13. Signs located in public rights-of-way; with the exception of signs allowable under Sec. 28-3-33, *Signs Requiring a Permit*;
14. Signs placed on private property without the consent of the owner or person in possession of the property;
15. Off-premises signs;
16. Pylon Signs;
17. Roof Signs;
18. Wind device signs; and
19. Billboards, including digital billboards.

Sec. 28-3-36. Master Signage Plans

A. **Purpose**. The purpose of a master sign plan is, to allow for a unified presentation of signage throughout parcels proposed for development, as well as the flexibility to provide for unique environments.

B. **Applicability**. An approved master signage plan shall only be applicable to signage within the boundaries of the approved master planned community or master planned commercial tract and may be filed for the following types of proposed developments:
   1. Single-use nonresidential developments on master planned commercial tracts exceeding 100,000 square feet of gross floor area;
   2. Multi-tenant nonresidential developments on master planned commercial tracts exceeding 50,000 square feet of gross floor area; or
   3. Master planned residential communities exceeding a minimum of 10 acres.

C. **Standards for all Master Sign Programs**. Standards and permissions of master sign programs are as follows:
   1. *Generally*. Subject to compliance with a master sign program that is approved according to the flexibility criteria set out in this Articles, signs that are proposed as part of a master sign program may deviate from the standards of this Division in terms of the:
      a. Types and numbers of signs allowed;
      b. Maximum sign area; and
      c. Materials and illumination standards (including electronic message centers),
   2. *Prohibited Signs and Sign Elements*. Prohibited signs and sign elements are not eligible for inclusion in a master sign program unless specifically indicated in this Division.
   3. *Architectural Theme*. All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The master sign program shall establish an integrated architectural vocabulary and cohesive theme for the parcel(s) proposed for development.
   4. *Uniform Signs in Multi-Use Developments*. Wall signs displayed by two or more businesses using common parking facilities shall be uniform in construction (i.e. channel letters, plaques) and lighting (i.e. direct, indirect).

D. **Conditions of Approval**. The Sign Administrator, Plan Commission, or City Council, as applicable, may impose reasonable conditions on the master sign program relating to the design, materials, locations, placements or orientations, and sign specifications that are not related to the content of the signs or the viewpoints of the sign users, in order to ensure continuing compliance with the standards of this Section and the approved master sign program.

E. **Contents of Master Sign Plans**. All master signage plans shall include the following:
   1. An accurate artistic representation of the proposed signage including color scheme and materials for each sign type.
   2. A detailed listing of the number of signs by type (temporary, permanent, way-finding, etc.).
   3. Inclusion of traffic control and public safety signage.
   4. A map indicating the proposed signage's location within the development.

F. **Phasing.** A developer may divide, update and modify the plan based on phased/sectional development so long as it provides an updated plan to the commission for review and approval no less than 60 days following the approval of a final plat for a new phase or section to be developed.

G. **Plan Submittal.** Upon submittal of the plan, the developer shall pay the appropriately adopted fees for the total number of signs included in the plan with the understanding that fees for temporary signage shall only be paid once based on the total number of temporary signs included in the plan. The developer will be able to place and replace temporary signage without incurring additional fees so long as the total number of temporary signs does not exceed that previously approved by the commission. In the event that the developer does not install all permanent signs accounted for in the plan, it may be reimbursed those fees by the city. Further, the developer shall not pay fees for appropriately installed and approved traffic control and public safety signage.

H. **Duration**. An approved master sign program shall expire two years from the date of such approval if no substantial progress has been made towards completion of the project.

I. **Amendment.** Prior to expiration of the master sign program, the applicant may apply for an amendment that alters the design, materials, locations, placements and orientations, and specifications of the signs. The Planning and Zoning Commission may approve the amended master sign program if it is consistent with this Section, and does not increase the area or height of any freestanding or wall sign subject to the original master sign program by more than 10 percent.

Sec. 28-3-37. Obsolete and Abandoned Signs

Signs which have been abandoned or have become obsolete due to the closing of a business, change in the nature or name of the business establishment, or for any other reason rendering the sign non-applicable to the property upon which it is displayed, shall be removed by the owner as provided in the Texas Local Government Code (TLGC).

DIVISION III-5: Outdoor Lighting

Sec. 28-3-38. Purpose

The purpose of this Division is to provide regulations for outdoor lighting that will:

A. Permit the use of outdoor lighting that does not exceed the minimum levels specified for nighttime safety, utility, security, productivity, enjoyment, and commerce;

B. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light;

C. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy;

D. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and

E. Conserve energy and resources to the greatest extent possible.

Sec. 28-3-39. Applicability

A. Except as provided by subsection (B) of this section, all outdoor lighting within the city limits must comply with the requirements of this Division unless required by state, federal, or local law.

B. The following are not regulated as by this Division:

1. Lighting within the public right-of-way for the principal purpose of illuminating streets or roads;
2. Temporary lighting used by law enforcement, fire, and other emergency services;
3. Lighting required by law to be installed on motor vehicles;
4. Lighting for public monuments and public statuary, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;
5. Lighting solely for signs;
6. Temporary lighting for theatrical, television, performance areas and construction sites, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street and is fully shielded after 10:00 p.m.;
7. Underwater lighting in swimming pools and other water features; and
8. Temporary lighting and seasonal lighting, provided that individual lamps are less than seven watts and 45 lumens;

Sec. 28-3-40. Illuminance

A. **Generally**. Outdoor lighting installed after the effective date of this CDO shall not exceed the footcandle values in Table 28-3-40-1*, Illumination Standards,* and Table 28-3-40-*2, Parking Lot Lighting*.

B. **Existing Lighting**. Any existing lighting expected to remain as part of a development shall be incorporated into the footcandle calculations to determine their conformance with the footcandle values.

Table 28-3-40-1 Illumination Standards					
Zoning Districts	Maximum Footcandle adjacent a Residential Property Line[1]	Maximum Footcandle adjacent a Nonresidential Property Line[1]	Maximum Footcandle adjacent a Public Right of Way[1]	Average Permitted Horizontal Footcandles[1]	Average Permitted Vertical Footcandles for Building Facades[2]
All values are stated in footcandles					
ER, SR, SU	0.2	0.2	0.5	0.2	1.0
SC, GC, DD	0.5	2.0	1.0	5.0	1.5
SO	0.5	2.0	2.0	5.0	1.5
IN	0.5	1.0	1.0	2.0	1.0

Table Notes:
1. Horizontal footcandles are measured horizontal from the surface of the property by holding a light meter parallel to the ground approximately one foot off the surface.
2. Vertical footcandles are measured from the vertical surface of a building by holding a light meter parallel to the building facade approximately one foot from the surface of the facade.

C. **Parking Lot Lighting**. Parking facilities, including structured and open parking lots, spaces, drive aisles, entrances, stairways, and elevator lobbies must meet the illumination standards set out in Table 28-3-40-2, *Parking Lot Lighting*. Light fixtures must be designed and installed to prevent glare from being cast outside of any parking structure or parking lot, and shall not exceed the limits stated in Table 28-3-40-1*, Illumination Standards*.

Table 28-3-40-2 Parking Lot Lighting	
Standard	Footcandle Requirement[1]
Minimum Horizontal Illuminance[1]	0.2 footcandles
Average Horizontal Illuminance[1]	2.5 footcandles
Uniformity Ratios (Horizontal Illumination) Average to Minimum	4:1

Table Notes:
1. Measured on the parking surface, without any shadowing effect from parked cars or trees.

D. **Color Temperature**. Nonresidential luminaries shall utilize lamps with a color temperature rating between 3,100 Kelvin and 4,500 Kelvin.

E. **Prohibited Sources**. High pressure sodium, mercury vapor, and fluorescent lamps or bulbs are prohibited because their color is significantly different from the daylight spectrum.

F. **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as vehicle gas and fueling stations, must recess all luminaries into the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).

G. **Outdoor Recreation Facilities**.

1. *Average Permitted Horizontal Footcandle Exemption*. Illumination levels for sports facilities may exceed the maximum permitted horizontal footcandle requirements and shall be*:*
   a. Designed to be no higher than recommended for the appropriate class of play, as defined by the current version of the Illuminating Engineering Society of North America (IESNA) publication IES RP-6-15; and

b. Comply with the maximum footcandles adjacent to residential and nonresidential property lines standards established in Table 28-3-40-1*, Illumination Standards.*

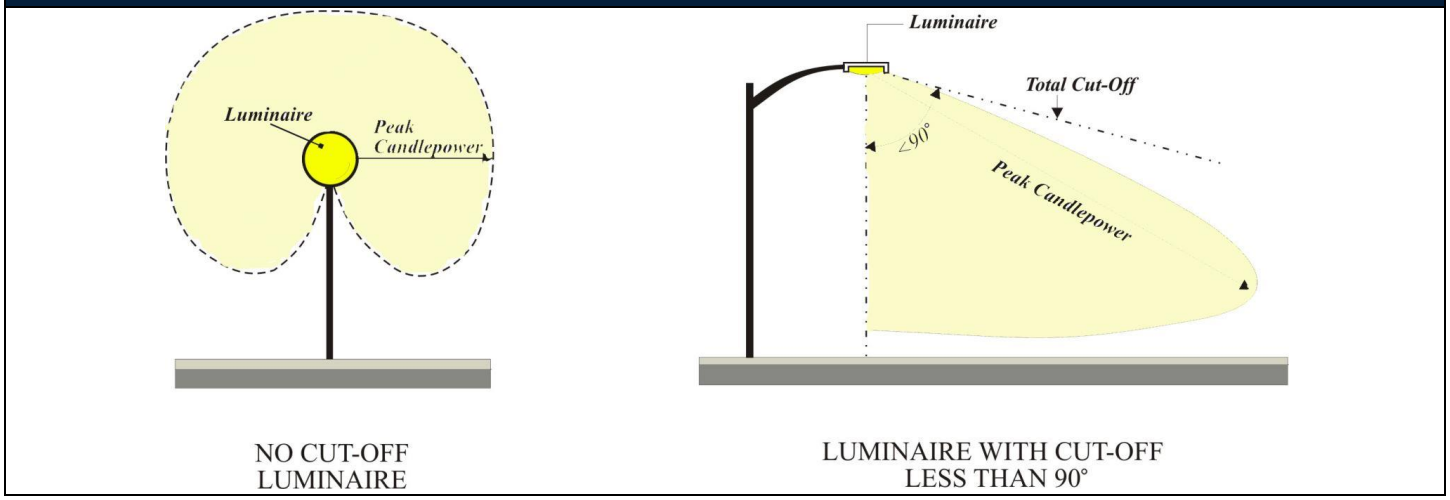
2. *Shielding*. Fixtures used for non-aerial sports shall be fully-shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed to track the ball.
3. *Certification*. Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this Code before construction commences. Further, after installation is complete, the lighting system shall be again certified by a registered engineer to verify that the installation is consistent with the certified design.
4. *Curfew*. No outdoor athletic facility shall be illuminated between 10:30 p.m. and 5:30 a.m., except to conclude any officially sanctioned and scheduled recreational or sporting event in progress prior to the curfew.

Sec. 28-3-41. Lighting Design

A. **Generally**. All lighting shall be shielded so the source of illumination (bulb or direct lamp image) is not visible from the property line. This reduces glare and interference with boundary streets and adjacent properties. No lamp shall extend past the housing of a light fixture.

B. **Light Fixture Type**. Light fixtures shall be:
   1. "Full cut-off" fixtures that limit lighting that is visible or measurable at the property line;
   2. Of constant intensity;
   3. Reflected or shielded so as not to:
      a. Be of excessive brightness;
      b. Cause glare hazardous to pedestrians or drivers;
      c. Create any public or private nuisance; or
      d. Unreasonably interfere with an adjacent property owner's right to enjoy their property.
   4. "No cut-off" fixtures, used only for decorative purposes, provided:
      a. They have light fixtures that produce no more than 1,500 lumens (approximately equal to a 100-watt incandescent bulb);
      b. They use energy-efficient bulbs, such as compact fluorescent (CF) and light-emitting diode (LED).

Figure 28-3-41
Types of Light Fixtures



C. **Cut-Off Requirements**. (See Figure 28-3-41, *Type of Light Fixtures*.)

1. *Full Cut-Off*. Except as otherwise allowed, all lighting (including, but not limited to vehicle use areas, canopies, security, walkway, landscaping, signs, outdoor display areas, and building) shall have 100 percent of its output below 90 degrees from a vertical line through the fixture.

2. *Adjacent to Residential Use or District*. All lighting fixtures that are mounted on a building wall facing a property line adjacent to a residential property line or public right-of-way boundary shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.

3. *Flags and Statutes*. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

D. **Maximum Fixture Height**.

1. *Freestanding Fixtures*. No freestanding light fixture shall be greater than 25 feet in height, except as set out for Outdoor Recreation Facilities in Sec. 28-3-40, *Illuminance*.

2. *Fixtures Mounted on Residential Buildings and Accessory Structures*. Fixtures that are mounted on residential buildings or accessory structures shall not be located higher than 16 feet or above the lowest point of the roof eave, whichever is lower.

3. *Fixtures Mounted on Nonresidential Buildings*. Fixtures that are mounted on nonresidential buildings shall not be located above the highest point of the roofline of any building.

4. *Full Cut-Off Fixtures.* Full cut-off fixtures shall have a maximum height of 30 feet.

5. *No Cut-off fixtures.* No cut-off fixtures:
   a. Shall have a maximum height of 20 feet; and
   b. Are not permitted on any side of a building that faces or abuts a residential property line.

Sec. 28-3-42. Hours of Lighting

A. **Generally.** Outdoor lighting shall accommodate different times of day when the need for artificial illumination is reduced or not necessary.

B. **Automatic Switching**. All outdoor lighting other than that under a canopy, tunnel or parking garage, or over a garage or building entrance, must include controls that automatically extinguish the lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable light controller, building automation system, or lighting energy management system, all with battery or similar backup power or device.

C. **Lighting Reduction**.

1. *Nonresidential Uses*. If intended to be left on more than 30 minutes after closing or the completion of activities, outdoor lighting shall be reduced to 25 percent or less of the average permitted horizontal footcandle (see Sec. 28-3-40, *Illuminance*). Motion sensor activation may be allowed to cause the light to resume normal footcandle output only when activated and to be reduced back to 25 percent or less within five minutes after activation has ceased.
2. *Exemptions.* The following are exempt:
   a. Residential lighting;
   b. Code required lighting for steps, stairs, walkways, and building entrances;
   c. Lighting required by an order, resolution, or ordinance of the City to be maintained at a particular level; and
   d. Lighting for businesses that operate on a 24-hour basis.

Sec. 28-3-43. Prohibited Lighting

A. **Generally.** No outdoor lighting may be used in any manner that may interfere with the safe movement of motor vehicles on public rights-of-way.

B. **Prohibitions.** Light pollution is declared a public nuisance, and is hereby prohibited. The following are prohibited:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens;
2. Any fixed light not designed for roadway illumination that produces incident or reflected light that could impair the operator of a motor vehicle;
3. The installation, use, or maintenance of beacons or searchlights;
4. Exposed strip lighting used to illuminate building facades or outline buildings, or neon tubing, or flickering or flashing lights installed in like fashion, except for temporary decorative seasonal lighting;
5. Drop-lens fixtures;
6. The use of more than one spotlight per flag; and
7. Aerial lasers.

Sec. 28-3-44. Existing Lighting

A. **Lighting Amortization**. Existing lighting must comply with the requirements of this Division five years after the effective date of the CDO.

B. **Appeal of Amortization Clause**. Any property owner may appeal the City's enforcement of the aforementioned lighting amortization clause per Sec. 28-7-34, *Appeals*, to the Zoning Board of Adjustment (ZBA).

ARTICLE IV: SUBDIVISION REGULATIONS

DIVISION IV-1: Purpose and Application

Sec. 28-4-1. Purpose

The purposes of this Article are to:

A. Establish adequate and accurate records of land subdivision;

B. Provide flexible design alternatives to those wishing to develop within the City;

C. Ensure that all subdivisions:
   1. Have functional and attractive environments;
   2. Minimize adverse effects; and
   3. Become assets to the City's urban and natural setting.

D. Ensure the development of functional and safe traffic circulation patterns;

E. Encourage economical and effective movement of motor vehicles, bicycles, and pedestrians;

F. Provide access for public safety vehicles;

G. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts; and

H. Ensure that all subdivisions developed in the City of Fulshear and its jurisdiction are adequately furnished with the necessary public services, including but not limited to, adequate water, waste management, storm water drainage utilities, and park and open space resources.

Sec. 28-4-2. Application

A. **Generally**. This Division shall apply to all plats and all subdivision of land within the territorial limits of the City and the City's Extraterritorial Jurisdiction (ETJ) as defined in Texas Local Government Code (TLGC) § 212.001; definition of subdivision, TLGC § 212.004.

B. **Compliance with CDO Required to Subdivide**. Unless a subdivision is specifically exempted (see subsection C of this section) from the requirements to obtain a plat by this Article, it shall be unlawful for any person or entity to*:*
   1. Subdivide any tract, lot, or parcel of land within the territorial limits of the City or within the City's extraterritorial jurisdiction until an appropriate plat of such subdivision is approved and recorded in conformity with this Article.
   2. Construct, or cause, allow, or permit to be constructed any public or private street, utility service or facility, building, structure, or other improvement on any tract, lot, or parcel of land within the territorial limits of the City or the City's extraterritorial jurisdiction until an appropriate plat is approved and recorded in conformity with this Article.
   3. Connect or serve any utility service or facility to any tract, lot, or parcel of land within the territorial limits of the city or the City's extraterritorial jurisdiction until an appropriate plat is approved and recorded in conformity with this Article.

4. No building, electrical, mechanical, plumbing, certificate of occupancy, or any other permit issued by the City will be issued for the construction or repair of any improvement or the occupancy of any building or structure until an appropriate plat is approved and recorded in conformity with this article; and it shall be unlawful for any person to construct or repair any improvement, or occupy any building or structure, without first obtaining the appropriate permit from the City.

C. **Exemption from Platting**.

1. Land used for agriculture purposes only, which use must be indicated on a tax designation submitted to the City; and
2. A subdivision of land into parts of one acre or greater, where each part has public street access, no public improvement is being made or is required to be dedicated and where a simplified subdivision plat (see Sec. 28-7-39, *Simplified Subdivision Plat*) can be submitted in lieu of the full platting requirement.

D. **City Covered by TLGC, Chapter 212, Subchapter B**. In accordance with Section 212.041 of the TLGC, the City Council chooses to be covered by Chapter 212, Subchapter B, of the TLGC.

DIVISION IV-2: General Design Standards

Sec. 28-4-3. Design Principles

A. **Generally**. The principles of this Section shall be applied to the maximum extent practicable without imposing restrictions that reduce the density or intensity of development that is permitted by this CDO. The principles of this Section shall be applied and interpreted in the context of the other applicable standards that are set out in this CDO.

B. **Compatibility**. The proposed subdivision plat shall be designed in a way that:

1. *Buffering*. Provides appropriate space for bufferyards and transitions between land uses or obvious changes in density or intensity alongside and rear lot lines as set out in, Div. III-3, *Buffering, Landscaping, and Screening*;
2. *Environment*. Protects and preserves the environmental resources to the benefit of the subject property and abutting properties;
3. *Connectivity*. Provides appropriate, context-sensitive vehicular and pedestrian linkages, providing access while protecting neighborhood integrity and individual property values;
4. *Common Open Space*. Maximizes the access to and benefit of common open spaces by providing for a connection to or continuation of the open spaces of abutting or adjacent properties and providing for maximum frontage and access to such open spaces;
5. *Storm Water*. Protects neighboring property from undue storm water runoff;
6. *Access*. Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
7. *Level of Service*. Does not reduce the level of service of public infrastructure that are provided to surrounding development.

C. **Connectivity**. The urban area is to be designed as a group of interconnected residential neighborhoods with appropriate commercial and industrial and public facilities. Space for religious, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood, as appropriate.

D. **Topography and Natural Features**. The arrangement of lots and blocks and the street system should be designed to conserve and make the most advantageous use of topography and natural physical features.

E. **Street Arrangement**. The general arrangement of streets should conform to the functional street classification system and the network alignments of the Major Thoroughfare Plan in the Comprehensive Plan.

F. **Tree Preservation**. Where not required for preservation, tree masses, large individual trees, and plant materials should be preserved where practicable.

G. **Visual Qualities**. The system of roadways and sidewalks and the lot layout should be designed to take advantage of the visual and environmental qualities of the area.

H. **Renewable Resources**. The blocks, lots, and buildable areas of a subdivision should be designed to take full advantage of sun and shade, where appropriate, wind, and other sources of renewable energy.

Sec. 28-4-4. Master Thoroughfare Plan

A. **Generally.**

1. Thoroughfare planning and future right-of-way protection is a priority for the City. The City's priorities and road network are established in the Major Thoroughfare Plan (MTP) located in the City of Fulshear Comprehensive Plan, as may be amended from time to time.
2. The MTP identifies the planned alignment of arterial and collector streets throughout the City and its extraterritorial jurisdiction area.

B. **Effect.** New arterial or collector streets, in addition to improvements to existing arterial and collector streets, shall be consistent with the most recently adopted Comprehensive Plan.

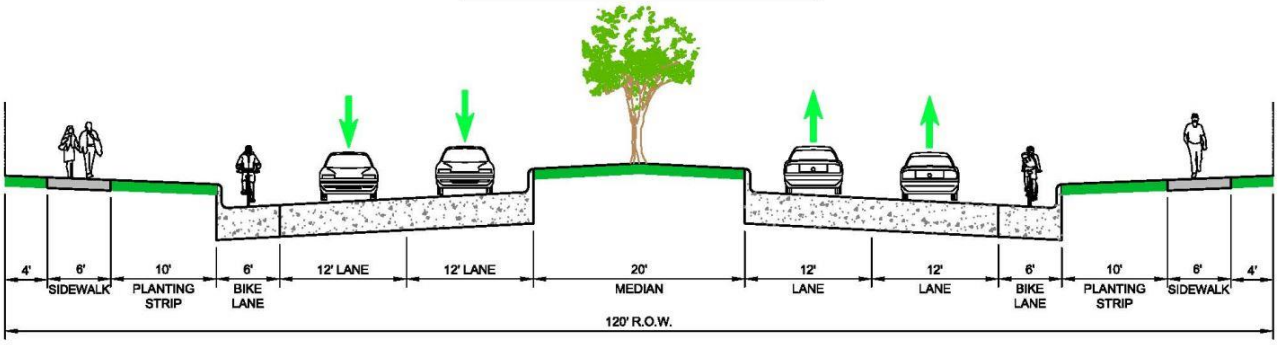
C. **Thoroughfare Map.** See Appendix B, *Thoroughfare Map*.

D. **Street Types.** Displayed in Figure 28-4-4, *Street Types*, are the different street types and cross sections, as adopted in the City's MTP.

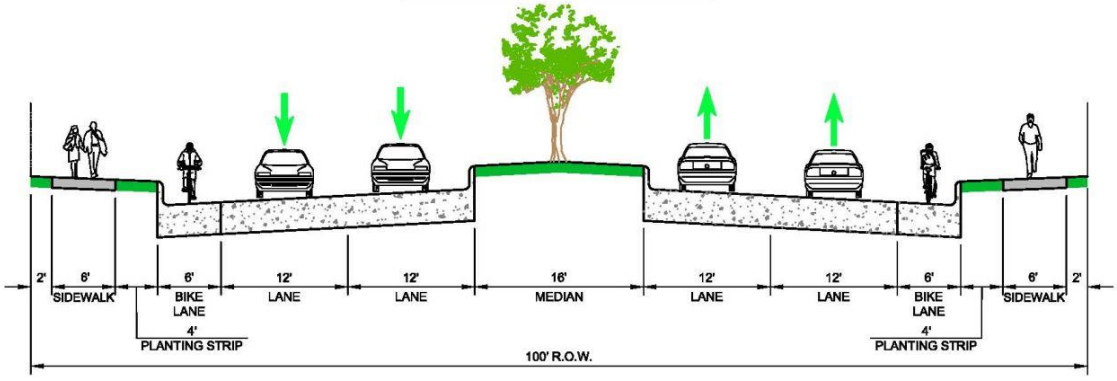
Figure 28-4-4
Street Types

Thoroughfares

PRINCIPAL THOROUGHFARE



MAJOR THOROUGHFARE



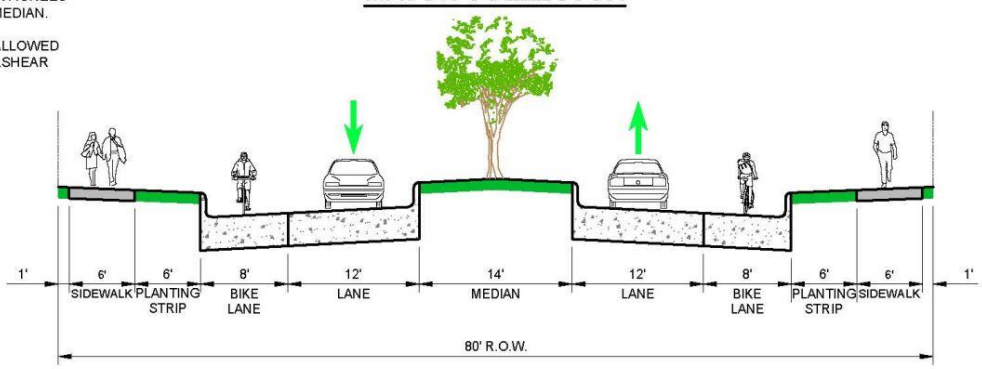
NOTES:

1. VARIANCES WILL BE ALLOWED BASED ON TRAFFIC ANALYSIS OR ENGINEERING STUDY.
2. SIDEWALKS SHALL BE CONCRETE MATERIAL. ALTERNATIVE MATERIALS WILL NEED TO BE APPROVED BY THE CITY.
3. LEFT AND RIGHT TURN LANES ARE REQUIRED AT INTERSECTIONS AND ARE TO BE DETERMINED BY TRAFFIC ANALYSIS.
4. FOR SEGMENTS WITH A DIFFERENCE BETWEEN THE EXISTING CONDITIONS AND PROPOSED RIGHT-OF-WAY, THE RIGHT-OF-WAY WILL TRANSITION FROM THE EXISTING WIDTH TO THE PROPOSED WIDTH.
5. THE STATED RIGHT-OF-WAY WIDTHS ARE RECOMMENDED. R.O.W. WIDTHS MAY VARY BY ±10 FEET BASED ON ENGINEERING STUDY.
6. CROSS-SECTIONS FOR DOWNTOWN LOCAL STREETS AND LOCAL STREETS ARE INCLUDED IN THE ____

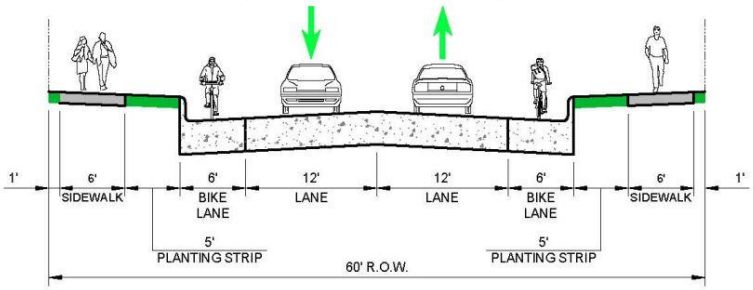
MAJOR COLLECTOR NOTES:

1. MEDIAN IS REQUIRED UNLESS THE CITY OF FULSHEAR AGREES TO THE REMOVAL OF MEDIAN.
2. FOUR LANES WILL BE ALLOWED BASED ON CITY OF FULSHEAR APPROVAL.

MAJOR COLLECTOR



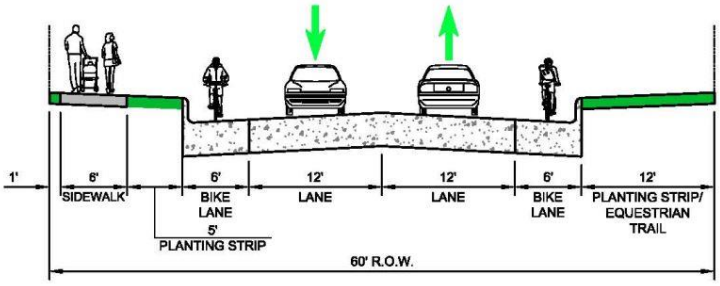
MINOR COLLECTOR



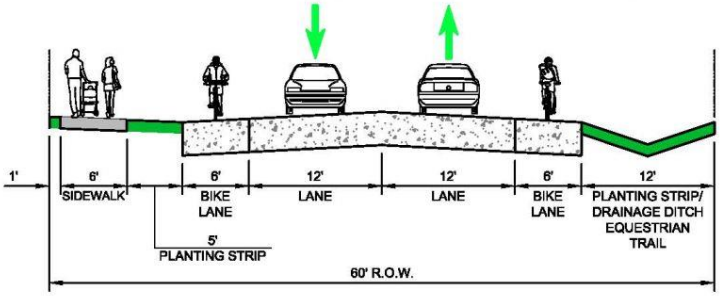
RURAL BYWAY NOTES:

1. SIDEWALK MATERIAL TO MATCH SURFACE MATERIAL OF ROADWAY. ALTERNATIVE MATERIALS WILL NEED TO BE APPROVED BY THE CITY OF FULSHEAR.

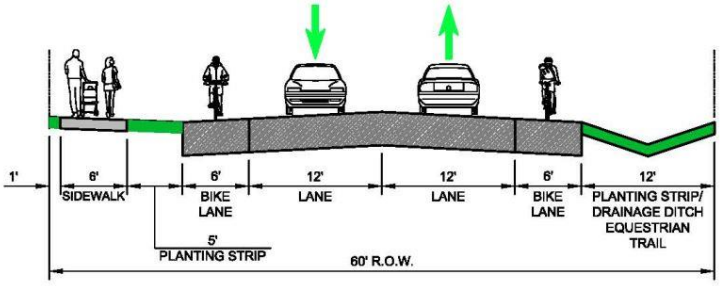
RURAL BYWAY (Concrete Curb & Gutter)



RURAL BYWAY (Concrete & Open Ditch)



RURAL BYWAY (Asphalt & Open Ditch)



Sec. 28-4-5. Streets, Driveways, and Alleys

A. **Generally**. The public street system pattern within a subdivision shall:

1. Provide for adequate vehicular access to all properties within the subdivision;
2. Provide adequate street connections to adjacent properties outside the subdivision to ensure adequate traffic circulation within the general area;
3. Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by the city, fire, police, and other emergency services personnel; and
4. Provide a sufficient number of continuous streets to accommodate the traffic demands generated by the new development

B. **Private Streets.**

1. *Public Access Required*. Every lot and parcel in a subdivision shall be served by a public or private street.
2. *Reserve Strips*. There shall be no reserve strip at the end of a private street and between the private street and an abutting or adjacent public or private street that limits access or connection to such street(s).
3. *Requirements for Private Streets*. When private streets are permitted, they shall meet all of the following requirements:
   a. Private streets shall be laid out, designed, and constructed in the same manner as public streets;
   b. Street signs shall indicate that the streets are "private";
   c. The private streets will not interfere with the implementation of the adopted Comprehensive Plan, capital improvements plan or program, or plans for construction or expansion of state or federal highways; and
   d. The private streets will not materially interfere with street connectivity in the City or create an unreasonable impact on an abutting public street by curtailing opportunities for alternative travel routes.
   e. Setbacks from private streets shall be measured in the same manner as setbacks from public streets.

C. **Alleys**.

1. *No Parking in Alleys***.** Parking shall be prohibited in all alleys except in areas provided outside of the minimum right-of-way.
2. *Use of Alleys***.** Alleys may be used only in residential development. Alleys shall be parallel, or approximately parallel to the frontage of the street.
3. *Alley Right-of-Way***.** A minimum width of 20 feet.
4. *Type of Construction***.** Alleys shall be constructed to the City's design standard.
5. *Connectivity***.**
   a. Generally, alleys shall connect to public streets on both ends, and shall be dedicated to the City as public right-of-way.

b. Dead-end alleys shall be avoided whenever possible unless natural resources, such as floodplains, wetlands, or open water, prevent their connection to a local street and there is no alternative design that would serve all of the lots with alley access. In this case, a turn-around shall be provided at the dead-end.

6. *Intersections and Alignment***.** Alley intersections and sharp changes in alignment shall be avoided but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
7. *Crossings***.** Sidewalks shall continue across alleys at points of intersection.
8. *Services***.** New alleys shall be constructed as service streets, as follows:
   a. Upon discretion of the Utility Company, natural gas and electric meters shall be readable from alleys, and not obstructed by fencing or landscaping.
   b. No structures or trees shall be built within the sight visibility triangles.

D. **Access.**

1. Residential subdivisions with 30 or more lots, or multi-family developments with 50 or more dwelling units, shall provide no less than two access points to/from existing streets. Those access points shall be located consistent with Sec. 28-4-10, *Access Management*.
2. The street layout of a subdivision shall provide public or private street access to all building sites and parcels.
3. Street alignments within subdivisions shall utilize horizontal curves, islands, street offsets, intersections, or other methods that allow adequate access and promote traffic calming.
4. All commercial subdivisions or development shall have at least one access point for each commercial floor space under 7,500 square feet and at least two access points for each commercial floor space that is 7,500 square feet or greater.

E. **Offsite Connectivity.**

1. Wherever streets have been dedicated or platted on adjacent properties for extension into or through a proposed subdivision, then those streets shall be incorporated into the street layout of the proposed subdivision.
2. Subdivision streets shall be extended to the boundaries of the parcel proposed for development in appropriate locations to provide for future connections to other properties.

F. **Right-of-Way Width**.

1. The right-of-way width to be dedicated as part of a new subdivision plat shall follow the standards set out in Table 28-4-5, *Right-of-Way Width*.
2. Where additional right-of-way is needed to obtain vertical curve, grade, sight distance triangles, turn lanes, or medians, the required right-of-way shall be adjusted to the extent necessary in accordance with local needs, as determined by the City Engineer.

Table 28-4-5 Right-of-Way Width	
Major Thoroughfare	120 ft.
Arterial	100 ft.
Collector	60 ft.

Table 28-4-5 Right-of-Way Width	
Local Street[1]	60 ft. / 50 ft.[1]
Table Notes: 1. Local streets shall only be permitted a minimum right-of-way on streets that utilized underground piped methods of stormwater conveyance.	

G. **Lots Required to Front on a Street**. All lots shall:

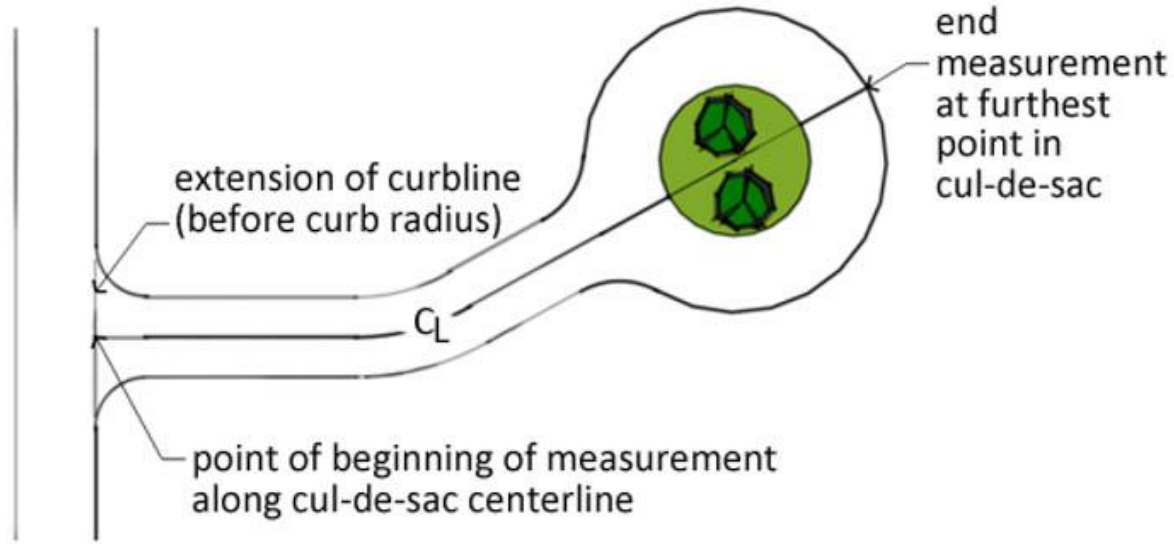
1. Abut a public or private street;
2. Indicate the front of the lot for subsequent construction of a building; and
3. Have adequate off-street parking provided for each lot.

H. **Curves and Intersections**. Curves along streets shall have a centerline radius of not less than 40 feet, except that the centerline radius on a reverse curve shall not be less than 300 feet. Reserve curves should be separated by a tangent distance of not less than 50 feet. The angle of street intersections shall not vary more than ten degrees from the perpendicular. Where acute angle intersections are approved, a radius of at least 25 feet in the right-of-way line at the acute corner shall be provided.

I. **Cul-De-Sacs**.

1. *Maximum Street Length*. Cul-de-sac streets may not be more than 650 feet in length. The length of the cul-de-sac shall be measured along the centerline of the cul-de-sac street from a point beginning at the intersection of the cul-de-sac street and the intersecting street to its furthest point from the point of the beginning. See Figure 28-4-5, *Maximum Cul-De-Sac Length*.
2. *Terminating Radius*. Terminating end of a cul-de-sac shall have a minimum radius of 50 feet.

Figure 28-4-5
Maximum Cul-De-Sac Length



J. **Dead-End Streets**. Dead-end streets shall not be approved, except in instances where the street is terminated by a temporary circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property.

K. **Half-Streets**. Half streets shall be avoided, except for:
   1. When the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided.
   2. Where they are essential for reasonable development of a subdivision in conformity with the other requirements of this Code; or

L. **Street Names**. All streets shall be named and conform with the following:
   1. *New Streets*. New streets shall not duplicate existing street names which shall continue along any continuous right of way, so long as there are unique names for each intersection.
   2. *Extensions of Existing Streets*. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension. The use of the same street name shall continue along any continuous right of way, so long as there are unique names for each intersection.
   3. *Suffixes*. Street name suffixes such as court, circle, or loop should be designated on streets that are cul-de-sacs or in a configuration of a loop street.
   4. *Prefixes*. Street name prefixes such as north, south, east, and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
   5. *Naming and Continuation*. Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.
   6. *Street Name Change*. No street name, once designated, may be changed except by city ordinance.

M. **Street Signage and Traffic Control Devices**. The developer shall be responsible for the installation of all required street signs and traffic control devices, which such signage and traffic control devices shall conform to the state manual on uniform traffic control devices.

Sec. 28-4-6. Lots and Blocks

A. **General Lot Design, Arrangement, and Layout**. Lots shall conform to the following standards:
   1. Accommodate easements for all utility services and facilities to adequately serve any improvements constructed thereon;
   2. 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; and
   3. Accommodate all required improvements and detention areas.

B. **Lot Shapes**. Lots shall be designed, so far as possible, with:
   1. *Side Lot Lines.* Side lot lines shall be 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.
   2. *Key or Flag-Shaped Lots*. Key or Flag shaped lots shall be allowed if:
      a. The minimum lot size requirements for the appropriate zoning district is in compliance with the requirements of DIVISION II-2, *Zoning Districts;*
      b. There shall be no portion of the lot that is lesser than a minimum of 20 feet; and

c. Any such lot is at least 50 feet in width at its building setback line.

C. **Lot and Block Identification**. All blocks established in any subdivision shall be designated by number with said numbers being consecutive within the whole subdivision. Lots established within said blocks shall also be numbered with said numbers being consecutive within the block. Lot numbering shall be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

Sec. 28-4-7. Development Phasing

A. **Generally**. A lot or tract proposed for development may be developed in phases, which each phase separately platted. In such cases, the applicant shall submit a preliminary plat showing the tentative phases of development.

B. **Consistency with Preliminary Plat**. In considering each subsequent phase shown on a preliminary plat, the Planning and Zoning Commission may impose conditions that are necessary to assure the orderly development of the platted land. Such conditions may include but are not limited to, temporary street extensions, temporary cul-de-sacs, and off-site utility extensions.

C. **Guarantees Related to Phasing of a Development.** See Sec. 28-4-20, *Guarantees of Performance*.

D. **Submittal of Final Plat.** Once a preliminary plat is approved in accordance with this Section, only a final plat is required for each section of the phased development. See Sec. 28-7-36, *Final Plats*.

Sec. 28-4-8. Easements

A. **Utility Easements**. Utility easements are those easements established by plat or separate instrument, which are designed to accommodate facilities necessary to provide various types of utility services to the subdivision. Utility easements include, but are not limited to facilities necessary to provide:

1. Water;
2. Electrical power;
3. Natural gas;
4. Telephone;
5. Cable Television;
6. Internet;
7. Telecommunications;
8. Stormwater drainage facilities; and
9. Sanitary Sewer Services.

B. **Location of Infrastructure**. The location of infrastructure within a utility easement shall be below grade, except where the requirements of the utility providers require their facilities to be located above grade. All easement locations and their placement shall be resolved with the utility companies prior to preliminary plat approval.

C. **Location**. Utility easements shall be located in the front of the lot for water and sewer and in the back of the lot for all dry utilities such as natural gas, telephone, electric power, and cable. An alternate location for any of these utility easements may be approved by the Planning and Zoning Commission during preliminary plat submittal. See Sec. 28-7-37, *Preliminary Plats.*

D. **Widths**.

1. *Utility Easement Width*. All utility easements shall be a minimum of 15 feet unless the requirements of subsection D(2) are met which allow for the reduced easement width.
2. *Reduced Easement Width*. The City Council following a recommendation of the City Engineer may allow reduced easement width.
   a. *Written Request*. The utility provider or developer shall submit a written request to the City Council clearly identifying:
      i. The hardship or physical circumstances that are the basis for the reduction request;
      ii. A site plan or identification on a Plat of Subdivision illustrating the location of the reduced width easement request; and
      iii. A legal description of the easement.
   b. *Adjacency to Previously Approved and Platted Subdivision.* When the subject property is adjacent to a previously approved and platted subdivision under common ownership or where additional easement width was previously dedicated by a separate instrument the required easement width of 15 feet may be reduced to 7.5 feet. The subdivider shall demonstrate the right to utilize this previously recorded easement by providing the notation on the approved plat for the adjacent property certifying the ownership and dedication of said easement.

E. **Limitations**. Aerial easements over utility easements shall be limited to electrical power devices that cannot be placed below grade.

F. **Drainage Easements**. All drainage easements shall be:

1. Depicted on the plat;
2. Located to accommodate the drainage requirements necessary for the proper development of the subdivision and accommodating any natural watershed outside the subdivision;
3. Kept clear of fences, buildings, structures, improvements, obstructive vegetation, and other obstructions; and
4. In conformance with:
   a. The City's Comprehensive Plan;
   b. The City's regulations governing storm drainage and flood control; and
   c. Requirements of any applicable drainage district, and any other governmental agency having jurisdiction over drainage or flood control within the subdivision.

G. **Private Easements, Fee Strips**.

1. *Existing Easements, Fee Strips*.
   a. All easements or fee strips created prior to the subdivision shall be shown on the plat with notations indicating the name, purpose, facilities, location, and recording information of such easement or fee strip.
   b. Subdividers shall request easement holders to survey the easement when the existing survey dimensions are inaccurate. If the easement holder does not provide a survey, the plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights.

2. *Establishment of Special Use Utility or Drainage Easements*. A special use utility or drainage easement may be established by plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a governmental unit and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the City that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street right-of-way.
3. *Private Easements*. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary. Nothing contained herein, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the subdivision.

Sec. 28-4-9. Street Lights

A. **Installation.**
   1. *Generally.* Street lights shall be installed within the subdivision at all street intersections, cul-de-sacs, and other locations as determined by the Commission or the City Council.
   2. *Coordination with Utility Provider*. The subdivision shall utilize the standard light pole design identified by the utility provider. All street lights proposed to be installed, including ornamental street lights, shall be included as a layout in the plan sheets and shall be approved by the City Engineer or Director of Public Works prior to submittal by the developer/installer to the utility provider. The utility provider shall not install unless plans have been signed by City Engineer or Director of Public Works.

B. **Street Light Design**. All street lights shall comply with DIVISION III-5, *Outdoor Lighting*, and the City's Streetlight Policy.

C. **Monthly Costs**.
   1. *Operation.* The subdivider shall pay the monthly operating costs of street lights until 75 percent of the lots of a platted phased subdivision is occupied and on the City tax rolls.
   2. *Maintenance.* Maintenance costs will be borne by an HOA, where applicable or the developer until 75 percent of the lots of a platted phased subdivision are occupied and on the City tax rolls.

Sec. 28-4-10. Access Management

A. **Generally.** Every effort shall be made to ensure developments along these roads share common access points to maintain the capacity of the road by restricting turning movements and shall consider the guidelines established in Table 28-4-10-1, *Access Connection Guidelines*. Public road and street access are required as a part of the site plan process. See Sec. 28-7-19, *Site Plan*.

Table 28-4-10-1 Access Connection Guidelines			
Roadway classification	**Local public streets and roads**	**High volume private driveway or private street**	**Low volume private street or driveway or alley**
Limited Access Roadways/Median Controlled			
Expressway (freeway, tollway, etc.)	Connection for a local street is permitted if consistent with spacing for local streets Table 28-4-10-2, *Local Street and Driveway Spacing* subject to finding that a higher order road is not needed at that location. Coordinate median openings and signal spacing with the City Engineer and the Administrator	Connection generally not permitted; may be permitted in-lieu of local public street on one leg of an intersection if consistent with spacing for local streets and subject to finding that a public street is not needed	Connection not permitted except on interim basis where no feasible alternative access exists; approval of interim access must include agreement for removal of access when local street system is completed or alternate access becomes available
Major thoroughfare	Connection permitted, but shall be in a location 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 ensure 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 28-4-10-2, *Local Street and Driveway Spacing*	Require access to lower level road, if available; otherwise one access per parcel subject to driveway spacing in Table 28-4-10-2, *Local Street and Driveway Spacing* and corner clearance in Table 28-4-10-3, *Corner Clearance Standards*. If lot frontage is less than the required minimum spacing, consider joint/shared access	Same criteria as for high volume private driveways or private streets

Other Roadways			
Primary collectors	Connection for a local public street is permitted if consistent with spacing for local streets Table 28-4-10-2, *Local Street and Driveway Spacing*	Access connections permitted if consistent with spacing requirements in Table 28-4-10-2, *Local Street and Driveway Spacing* and in Table 28-4-10-3, *Corner Clearance Standards*	One access per parcel is permitted subject to minimum spacing requirements in Table 28-4-10-2, *Local Street and Driveway Spacing* and in Table 28-4-10-3, *Corner Clearance Standards*
Residential local streets	Connection for a local public street is permitted if consistent with spacing for local streets Table 28-4-10-2, *Local Street and Driveway Spacing*	Access connections permitted if consistent with spacing requirements in Table 28-4-10-2, *Local Street and Driveway Spacing* and in Table 28-4-10-3, *Corner Clearance Standards*	One access per parcel subject to minimum property line spacing of 25 feet

B. **Degree of Compliance.** If the width of a lot or other constraint prevents individual access, then common access shall be provided via joint access and/or cross-access easements. Even if common access does not achieve compliance with this Section, it shall be utilized if it creates a wider spacing between access points than would be provided in the absence of common access.

C. **Alternative Access for Corner Lots.** Lots that abut intersections of arterial streets and local streets shall take access from the local street if the access meets the other requirements of this Section.

D. **Timing of Compliance with this Division.**

1. New development and subdivision shall demonstrate compliance with this Division for each required development approval.
2. Properties with access connections that do not meet the requirements of this Division shall be brought into compliance to the greatest extent possible when modifications to the roadway are made or when a change in use results in one or more of the following conditions:
   a. A connection permit is required.
   b. Site plan review or development plat is required.
   c. The site experiences an increase of 20 percent or greater in peak hour trips or 100 vehicles per hour in the peak hour, whichever is less, as determined by one of the following methods:
      i. An estimation based on the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) methodology for typical land uses;
      ii. Traffic counts made at similar traffic generators located in the City; or
      iii. Actual traffic monitoring conducted during the peak hour of the adjacent roadway traffic for the property.
3. If the principal use on a parcel with access connections that do not meet the regulations of this Division is discontinued for a period of one year or more, then upon establishment of any use, the parcel must comply with all applicable access requirements of this Division to the greatest extent possible.

E. **Application to State Streets.** The standards of this Division shall apply equally to streets operated by the Texas Department of Transportation or TXDOT upon execution of an agreement between the City and TXDOT delegating the TXDOT access permitting process to the City. In the absence of such an agreement, TXDOT shall retain the responsibility for access permitting on TXDOT operated streets.

F. **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.

G. **Minimum Spacing of Access Points**. For sites with insufficient road frontage to meet the minimum spacing requirements, consideration shall first be given to providing access with the 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 as shown in Table 28-4-10-2, *Local Street and Driveway Spacing*.

Table 28-4-10-2
Local Street and Driveway Spacing

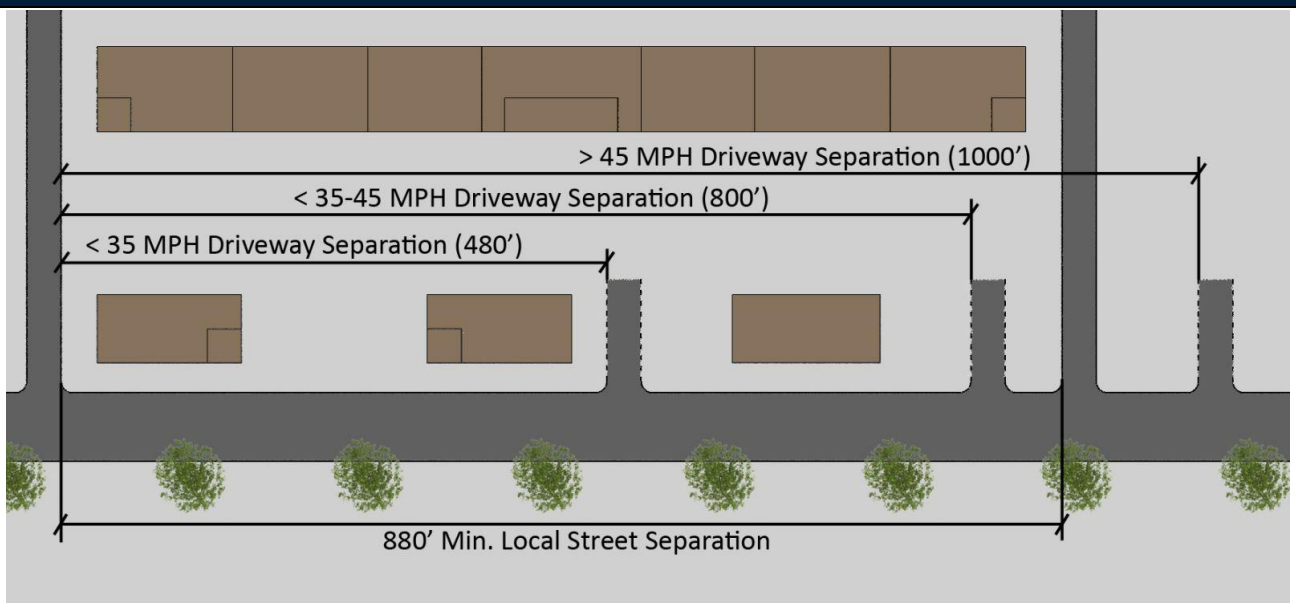
mph = Miles Per Hour

Road Classification	Minimum Connection Spacing (feet)	Posted Speed Limit		
		< 35 mph	35—45 mph	> 45 mph
		Minimum Driveway Spacing (feet)		
Arterial	880	480	800	1,000
Primary collector	480	125	200	275
Residential local streets	330	N/A	N/A	N/A

Table Notes:
For sites with insufficient road frontage to meet the minimum spacing requirements, consideration shall first be given to providing access with the 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.

H. **Measurement of Access Spacing.** The minimum spacing requirements of this Section are measured along the edge of the travel way, from the closest edge of pavement of the first access connection to the closest edge of pavement of the second access connection, including corner clearance, as illustrated in Figure 28-4-10-1, *Measurement of Access Connection Spacing for Arterial Streets*.

Figure 28-4-10-1
Measurement of Access Connection Spacing for Arterial Streets



I. **Access Spacing, Opposite Sides of Street.** In order to prevent conflicting left-turn movements, connections on opposite sides of collector and arterial streets shall be directly opposite each other or offset by a distance of at least 75 feet, unless a median prevents the potential conflicts.

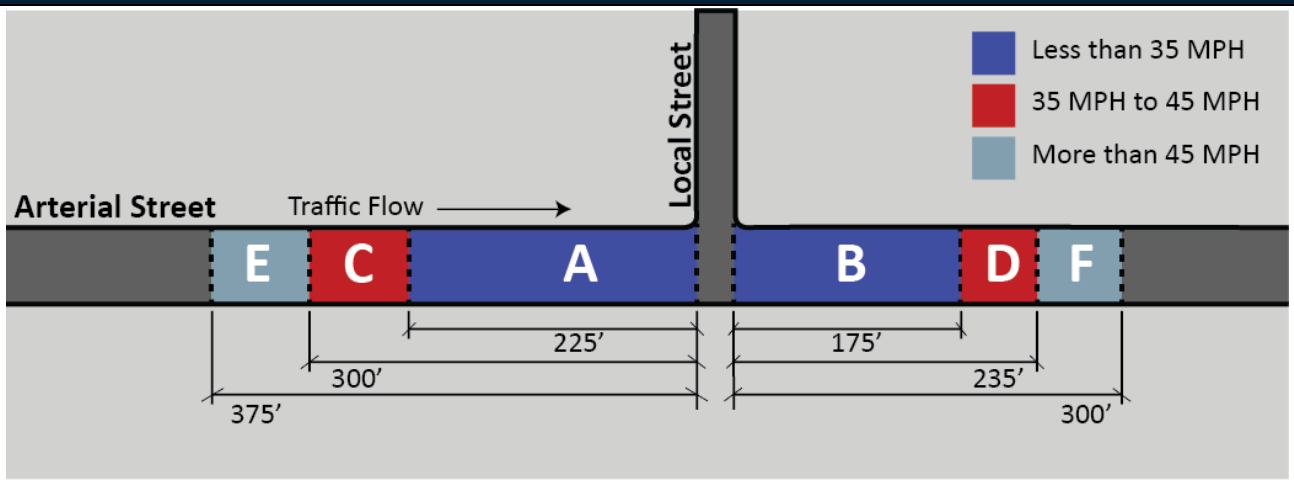
J. **Corner Clearance Requirements**.

1. *Generally*. Table 28-4-10-3, *Corner Clearance Standards*, defines the minimum corner clearance that shall be required for a proposed access point which may vary based on the speed the roadway was designed to accommodate and whether or not the median is divided or undivided. Figure 28-4-10-2, *Measurement of Corner Clearance Spacing for Arterial Streets,* provides a visual graphic of how the standards are applied.

Table 28-4-10-3
Corner Clearance Standards

Road Classification	Median Area	Less than 35 mph		35 to 45 mph		Greater than 45 mph	
		A	B	C	D	E	F
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

Figure 28-4-10-2
Measurement of Corner Clearance Spacing for Arterial Streets



2. *Alternative Compliance.* If the amount of lot frontage is insufficient to meet corner clearance requirements, the following alternative means of access shall be considered:
   a. A joint or shared access point option is 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.
   b. If the absence of a reasonable opportunity for shared access is impractical, then right-in, right-out access may be permitted at the farthest available point away from the intersection. For example, a light automobile use (e.g., a fueling station) that cannot establish shared access with neighboring properties may be permitted to have two right-in, right-out access points (one on each frontage), provided that they are located as far away from the intersection as possible.

K. **Access Points Along Turn Lanes**. Irrespective of the local street and driveway spacing requirements in Table 28-4-10-2, *Local Street and Driveway Spacing,* and the corner clearance requirements in Table 28-4-10-3, *Corner Clearance Standards*, access points shall not be approved within any turn lane, including taper sections, except where no other reasonable or suitable access is available.
   1. *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.
   2. *Seasonal or Limited Duration*. The 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.

L. **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 an 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*. The 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 geometries of commercial access shall provide adequate width, grade, and radii to accommodate all vehicles that will access the site.

M. **Access Control Dedicated on Plats**. Subdivision plats approved after the effective date of this CDO shall include the dedication of access control rights to the City along abutting rights-of-way. The dedication may be accomplished by a general note on a final plat. See Sec. 28-7-36, *Final Plats*..

N. **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.

O. **Requirements for Business and Retail Centers, School or Institutional Uses, or Multifamily 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 subdivision. 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 county clerk's office.

P. **Modifications to Spacing Standards.**

1. *Additional Conditions.* The City may attach additional conditions to the approval of a request as deemed necessary to promote the spirit and intent of this subdivision, including, but not limited to:
   a. Other conditions based on the conclusions and recommendations of a traffic impact study.
   b. The access may be required to serve existing or future adjacent property by means of a shared entrance or cross access easement;
   c. 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);
      i. The access may be approved as an interim access to be phased out at a future time;
      ii. A second access point may be approved for a 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.
      iii. 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.
2. *Nonconforming Access*.
   a. *Purpose*. The purpose of this subsection is to recognize the existence of access points which were lawful when established but do not meet the regulations of this subdivision, to discourage the expansion and intensification of such access points, and to encourage the elimination of nonconforming 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 the ordinance from which this subdivision is derived 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 nonconforming 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 subdivision, 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 the 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.

Sec. 28-4-11. Sidewalks, Ramps, and Accessibility

A. **Generally.** Concrete sidewalks are required along both sides of all public and private streets.

B. **Location of Sidewalks.**

1. Sidewalks shall be provided between the right-of-way line and the edge of pavement. Generally, the outer edge of the sidewalk shall abut or be no more than one foot from private property lines.
2. Sidewalks may meander into the right-of-way to protect the root systems of mature trees, provided that no sidewalk is located closer than three feet to the back of curb (or edge of pavement if no curb is present). An exception to the three feet requirement shall exist only when a sidewalk is located within a cul-de-sac. In this circumstance, then the sidewalk can be no closer than two feet to the back of the curb. The provisions of this Subsection shall not reduce the right-of-way width requirement.
3. Sidewalks shall also be installed in pedestrian access easements when sidewalks are required and they cannot be built within the existing rights-of-way.
4. Sidewalks shall be provided for safe and convenient access for persons with physical disabilities, including those persons confined to a wheelchair. Curb ramps shall be constructed at all street intersections in accordance with standard details provided in the city engineering design standards. All sidewalks shall conform to and be in compliance with the Americans with Disabilities Act (ADA) requirements and standards.

C. **Completion of Sidewalk Networks.** Adequate provision shall be made to ensure the timely completion of the sidewalk network associated with development. For subdivisions, the surety shall not be released until the sidewalk is completed.

D. **Modification of Sidewalk Requirements.** Sidewalk requirements may be altered or waived if a sidewalk or trail plan that provides equal or greater pedestrian circulation is submitted to and approved by the Commission at the time of a preliminary plat. These trade-offs may be permitted if better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or other off-street trails or multi-use pathways on the perimeter of the parcel proposed for development.

Sec. 28-4-12. Construction Standards

A. **Generally.** The intention of these standards is to define minimum requirements for street, utility, and drainage construction in new subdivisions within the jurisdiction of the city. These standards are supplementary to this Division, including subsequent amendments.

B. **Street Paving**. The following minimum standards apply to subdivision street paving:

1. *Type*. Street paving shall be six inches of reinforced concrete surface with concrete curb and gutter.
2. *Pavement Width*. The pavement width for streets shall be as follows:
   a. Major arterials and collectors shall be 44 feet to 64 feet between back of curbs.
   b. Minor Collectors shall be 38 feet to 44 feet between back of curbs.
   c. Local streets shall be 28 feet to 32 feet between back of curbs.
3. *Cross-Section*. A standard cross-section for a residential street is shown in the city's standard paving detail sheet, which is on file in the city secretary's office. Cross-sections for secondary and major streets shall be proportioned similarly. At intersections, curb return radius shall be 25 feet; at cul-de-sacs, 45 feet.
4. *Concrete*. Concrete used for street paving shall meet the following minimum requirements:

a. Reinforcing Steel shall be constructed from:
   i. *Material*. Open hearth new billet steel.
   ii. *Yield strength*. 60,000 pounds per square inch (PSI), minimum.
   iii. *Splices*. 24 bar diameters.
   iv. *Bar size and spacing*. No. 4 bars at 24-inch centers, each way, minimum. Streets shall be designed based upon the subgrade and load use of street. Wire mesh is prohibited.
   v. *Bar support*. Metal or plastic "chairs" shall be used to hold bars in position during placement of concrete.

b. Concrete mixture shall meet the following specifications:
   i. Compressive strength shall be 3,000 PSI, minimum at 28 days.
   ii. Slump shall be 4½-inches maximum.
   iii. Minimum cement factor shall be five bags per cubic yard.

c. *Cement*. Cement shall be type I (normal) Portland cement, or with City Engineer's approval, Type III (high early strength).

d. *Aggregate Coarse and Fine Aggregate*. Aggregate coarse and fine aggregate shall meet the requirements of State Highway Department standard specification "Item 360" for concrete pavement.

e. *Jointing*. Jointing shall meet the following minimum requirements:
   i. Expansion joints at intersections and at a minimum distance of 80 feet shall have sleeved load transmission dowels.
   ii. Wood joints shall be comprised of sound heart redwood.
   iii. Joint seals shall be made of type OA 90 asphalt or other types with approval.

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

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

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

5. *Subgrade*.
   a. All subgrade shall be rolled by the appropriate rolling machinery.
   b. Subgrade shall achieve at least 95 percent of maximum density (standard proctor density test).
   c. Lime stabilization shall be required when plasticity index (PI) of subgrade soil exceeds 18.
   d. Cement stabilization shall be required when low PI "spongy" or wet soils are present.
   e. Subgrade shall not be allowed to dry before concrete or base is placed, nor shall concrete or base be placed on frozen subgrade.

f. Density tests shall be performed at 300 linear foot intervals, or closer when requested by the city engineer. Density tests shall be:
   i. Staggered across the width of the pavement;
   ii. At no point should density tests be taken in a straight line; and
   iii. At least one density test must be taken on the outside edge of the pavement in cul-de-sacs.

C. **Sidewalks**. Sidewalks shall meet the following minimum standards:
1. *Dimensions*.
   a. *Width*. Sidewalks shall have a minimum width of five feet, zero inches.
   b. *Thickness*. Sidewalks shall have a minimum thickness of zero feet, four inches.
2. *Subgrade*. Subgrades shall consist of a minimum of two inches of compacted sand.
3. *Cross Slope*. Cross slopes shall be a maximum of one-fourth-inch per foot, toward the curb. Slopes on sidewalks must be ADA compliant.
4. *Reinforcing*. Reinforcing shall be #4 rebar at no greater than 24 inches Cut-to-Cut (C-C) supported by either chairs or Concrete Masonry Unit (CMU) bricks. Wire mesh is prohibited.
5. *Load Transmission Devices (Dowels).* Load transmission devices shall be #4 rebar, 12 inches long, embedded six-inch either side of expansion joint, one end shall be sleeved. Set load transmission devices 12-inch C-C, maximum.
6. *Expansion Joints.* Expansion joints shall be spaced 10 feet C-C and are to be sound heart redwood, three-quarter-inch thick with OA 90 asphalt or approved sealer.
7. *Control Joints.* Control joints shall be cut (one-quarter inch by one-half-inch) at no greater than five feet C-C spacing.
8. *Location*. As shown on a standard detail sheet.

D. **Water System**. The following minimum standards apply to water system extensions within the city:
1. *Main Lines*.
   a. *Diameter*. The minimum diameter of all water mains shall be six inches.
   b. *Depth*. The minimum depth of all water mains shall be 42 inches of cover below final grade.
   c. *Material*. Water mains shall be constructed of C-900 polyvinyl chloride (PVC) DR18 or C-905 PVC DR-18 for pipe larger than 12 inches.
   d. *Location*. The location shall be as shown on the standard detail sheet.
   e. *Main Lines*. Mains shall be looped with no dead-end serving more than four lots.
2. *Valves*. Vales shall meet the following requirements:
   a. *Locations*. Valves shall be set at:
      i. *At Tees*. Two valves shall be placed at all tees.
      ii. *At Crosses*. Three valves shall be placed at all crosses.
      iii. *Water System Connections*. One valve shall be placed at each connection to the existing water system.
   b. *Type*. Valves shall be non-rising stem, O-rings seals, Mueller or Clow brand. Counter-clockwise opening, mechanical joint.

3. *Fire Hydrants*.
   a. *Locations*. Fire hydrants shall be placed at:
      i. Each street intersection and cul-de-sac end;
      ii. A maximum separation of 600 linear feet in single-family residential areas; and
      iii. A maximum separation of 300 linear foot in commercial districts.
   b. *Type*. Hydrants shall be Mueller brand, three-way 5¼-inch barrel with 4½-inch steamer (pumper) nozzle and two 2½-inch hose nozzles and utilize a counter-clockwise opening, mechanical joint. Each fire hydrant shall have an individual gate valve (with an adjustable riser box) located within four feet of the fire hydrant.
4. *Fittings*.
   a. *Material*. Hydrants shall be constructed of a cast iron, cement-lined, mechanical joint. All fittings shall be thrust blocked with concrete. All fittings shall be wrapped with plastic or similar materials to prevent concrete from adhering to the mechanical joint connection components.
   b. *Pressure rating*. Hydrants shall be rated to 250 PSI.
5. *Services*.
   a. *Corporation Stops*. Corporation stops shall be a Mueller H-15000.
   b. *Curb Stops*. Curb stops shall be a Mueller H-15275, ending in an approved concreted or plastic meter box. (All boxes in new development are to be of the same materials.)
   c. *Meter Nipple*. The required meter nipple shall be a Mueller H-10890G.
   d. *Pipe Material*. Pipe material shall be a soft copper or polyurethane.
   e. *Minimum Service Size*. See the minimum line size per rate schedule.
   f. *Meter Box*. A concrete or plastic meter box of appropriate size is required.
   g. *Curbs*. All curbs shall be marked to indicate the location of the water services for each individual lot.
6. *Backfill*.
   a. *Under Streets*. Water lines shall be wrapped with a six-inch layer of bank sand. The remainder of trench to be filled with 1.0 sack, 100 PSI per cubic yard cement stabilized sand, compacted to 95 percent proctor.
   b. *Other Locations*. Water lines shall be wrapped with a six-inch layer of bank sand. The remainder of trench to be filled using compacted native soil. Sandy soil must be water jetted; other soils may be compacted by rolling with a "caterpillar" tractor or similar method.
   c. All trenches shall be compacted to 95 percent standard proctor.

E. **Sanitary Sewer System**. All homes shall be connected to the city's central sanitary sewer system. The following minimum standards apply to sanitary sewer extensions with the city:
1. *Main Lines*.
   a. *Diameter*. Sanitary sewer lines shall have a minimum diameter of six inches.
   b. *Minimum Depth*. The minimum depth of all sanitary sewer lines shall be four feet, zero inches. Exceptions may be made on depth with city public works director approval.
   c. *Material*. Sanitary sewer lines shall be constructed of the following:

i. Pipes shall be constructed out of standard dimension ratio (SDR) 26 PVC.

ii. Fittings shall be the same class as the pipe, with rubber gaskets.

d. *Testing*. All sanitary sewer lines must be air-tested and pass deflection testing 30 days (or longer) after installation. The city reserves the right to require filming of any sewer installation, at the developer's expense.

2. *Manholes*.

a. *Size*. Manholes shall meet the following minimum size requirements:

i. Four feet, zero inches inside diameter.

ii. 32-inch diameter opening in cone section for access to the sanitary sewer for cleaning and maintenance. Manhole cover shall have the city tops (see detail sheet).

b. *Spacing*. One manhole shall be located at 400 linear foot intervals and at changes in direction or size of the main line.

c. *Material*. Sanitary sewer lines shall be constructed of the following:

i. Pre-cast concrete manhole meeting ASTM C478 (latest revision).

ii. Cast-in-place manholes shall be 4,000 PSI concrete with wall thickness of no less than five inches. The base shall be no less than 12 inches thick.

d. *Pipe Connection*. Each pipe connection to sanitary sewer manholes shall be made watertight by either:

i. Approved flexible connectors; or

ii. Watertight grout.

e. *Bedding*. Bedding shall be made of cement stabilized sand (one and one sack per cubic yard). The minimum thickness shall be 12 inches and shall be compacted in a maximum of eight-inch lifts.

f. *Manhole Ring and Lid*. The manhole ring and lid shall meet the following:

i. A 32-inch diameter cast iron ring using an approved sealant shall be installed.

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

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

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

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

3. *Services*.

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

i. Residential Services.

a. Single services shall be four inches.

b. Double services shall be six inches.

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

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

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

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

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

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

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

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

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

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

a. *Minimum Diameter*. The minimum diameter shall be:

i. 24 inches for all underground drainage systems; and

ii. 18 inches for all rural/roadside ditch pipe culverts to serve residential driveways.

b. *Minimum Slope*. The minimum slope of storm sewers and culverts shall be:

i. Storm Sewers slopes shall be no less than 0.1 percent.

ii. Culverts shorter than 100 feet shall be at a minimum slope of 0.1 foot.

c. *Material*. Storm sewers and culverts shall be constructed of:

i. Class III reinforce concrete pipe;

ii. High density polyethylene (HDPE) corrugated smooth lined thermoplastic pipe may be used when approved by the city engineer; and / or

iii. State highway department standard box culverts and headwalls.

d. *Joints*. Storm sewer and culvert joints shall utilize the following:

i. Class III reinforced concrete pipe, bell and spigot joints with "O" ring type gaskets; or

ii. High density polyethylene pipe, with bell and spigot joints with "O" ring type gaskets.

e. *Box culverts*. Box culverts shall be "Ram-Nek" type asphaltic sealer or approved equal with joints to meet state department of highway specification.

f. *Bedding*. All storm sewer shall be bedded with 1½ sack per cubic yard of cement stabilized sand, compacted to 12-inch thickness, minimum.

g. *Backfill*. All storm sewer piping shall be backfilled to a minimum of 12 inches over the top of the pipe with 1½ sack per cubic yard cement stabilized sand, compacted by mechanical means. When using HDPE pipe, caution shall be taken to ensure proper bedding and backfill to meet the manufactures recommendations to provide the structural support necessary.

h. *Junction Boxes and Manholes*. Junction boxes and manholes shall be:

   i. A nominal pipe size of plus 12 inches;

   ii. Made of reinforced concrete, designed for the load with a minimum wall thickness or five inches; and

   iii. Located at:

      a. Changes in pipe size or direction; and

      b. Distances not to exceed 400 feet.

i. *Access Covers*. Access covers shall be 24-inches in diameter and cast-iron ring and cover with the word "storm" cast into the cover.

j. *Inlets*. Inlets shall:

   i. Have a minimum throat size of six inches high by five feet long;

   ii. Constructed from reinforced concrete, designed for load;

   iii. Have a wall thicking minimum of five inches; and

   iv. Be accessed as per the standards contained in Sec. 28-4-12(1)(g).

2. *Open Channels*.

   a. *Unlined Ditches*. Unlined ditches shall have a:

      i. Maximum side slope of three horizontal feet to one vertical foot;

      ii. Minimum bottom slope of 0.05 percent; and

      iii. Easement top width of 16 feet on one side plus six feet on the opposite side.

   b. *Lined Channels*. Lined channels shall have:

      i. A minimum bottom slope grade of 0.05 percent;

      ii. Lining material constructed of five-inch thick concrete with #3 bars at 18 inches, center to center. With the approval of the city, pre-cast concrete pavement may be used in lieu of concrete;

      iii. Concrete characteristics of the same requirements for street paving as stated in Sec. 28-4-12(B)(4)(b); and

      iv. A minimum easement top width of plus 12 feet on one side and four feet on the opposite side.

3. *Design Criteria*. Storm drainage facilities shall be designed to meet the following requirements:

   a. *Storm Period*. The storm period shall be 25 years.

   b. *Runoff Coefficient*. Runoff coefficients shall be as follows:

      i. Single-family residential areas shall have a runoff coefficient of 50 percent.

      ii. Commercial areas shall have a runoff coefficient of 80 percent.

G. **Street Signs**. For uniformity, street signs shall be ordered through the City. The cost of signs and erection are the responsibility of the developer. Signs are required at each street intersection.

H. **Regulations and Other Entities**. These construction standards are not intended to replace the regulations of state or federal governmental entities whose jurisdiction includes new subdivisions within the jurisdiction of the City.

I. **Specific Construction Standard Requirements**. See the City's Construction Design Manual.

Sec. 28-4-13. Utilities and Improvements

A. **Generally.** All improvements required by this article, any other City ordinance, the City's Comprehensive Plan, the County, the State, or any other governmental entity having jurisdiction over the subdivision, or any improvement which, in the judgment of the Planning and Zoning Commission or City Council, is necessary for the adequate provision of streets, drainage, utilities, City services, and facilities to serve the subdivision shall:

1. Be constructed at the sole expense of the developer unless the city determines oversizing is necessary; and
2. Comply with the rules and regulations of any entity having jurisdiction over the subdivision. If there is a conflict between the regulations of jurisdictions, the City's regulations shall apply unless otherwise provided by law.

B. **Oversizing of Improvements**.

1. The City shall not design, construct, or expend funds for any improvements within a subdivision, except when the City determines that oversized improvements are necessary to serve development beyond the subdivision being platted. If the City determines that oversized improvements are necessary, the developer shall construct and pay for the oversized improvements required by the City. The City shall reimburse the developer the costs of constructing the oversized improvements once the improvements have been constructed and the City has inspected and accepted such improvements. The City shall reimburse the developer for any accepted oversizing within one year of the date of City acceptance.
2. In the case of phased development and platting, the City may require that oversized improvements be constructed at the initial development and platting phase or any subsequent development and platting phase.
3. A determination of whether oversized improvements are necessary shall be made, if possible, during the preliminary plat phase.

C. **Potable Water and Sanitary Sewer Systems**.

1. *Applicable Governmental Standards.* Potable water and sanitary sewer systems shall be designed and constructed in accordance with the applicable standards of the City, County, the State, and any municipal utility district (MUD), as applicable.
2. *Connection after Subdivision.* Each lot proposed for subdivision shall be connected to a potable water system and a sanitary sewer system unless the lot is:
   a. One acre or more in size; and
   b. Has a properly functioning private water well and private septic tank system.

3. *Connection within 300 Feet.* Regardless of the size of the lot, any lot within 300 feet of the City's potable water system or sanitary sewer system shall be required to tie into those systems and shall pay all applicable costs associated with such unless the property currently has a properly functioning private water well and septic tank system.

Sec. 28-4-14. Monuments and Markers

A. **Generally.** Monuments shall be placed to mark the following:
   1. Lot corners, points of curvature, points of tangency, and reference points; and
   2. Street centerlines, points of curvature, points of tangency, reference points, and where street lines intersect the exterior boundaries of the subdivision.

B. **Monument Requirements.** The following guidelines apply to artificial monuments to be set.
   1. *Materials.* Iron rods, five-eighths-inch in diameter and three feet long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter-inch in diameter embedded three inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall not be less than 12 inches above the finished ground level.
   2. *Marks.* Marks on existing concrete, stone, or steel surface must consist of drill holes, chisel marks, or punch marks and must be of sufficient size, diameter, or depth to be definitive, stable, and readily identifiable as a survey monument. Marks on asphalt streets may consist of railroad spikes, large nails, “PK nails”, or other permanent metal spikes or nail-like objects.
   3. *Stakes.* Wooden stakes shall not be set as permanent boundary monuments.

C. **Monument Installation.** Monuments must be set vertically whenever possible and the top must be reasonably flush with the finished grade when practical. Monuments subject to damage from earthwork, construction, or traffic should be buried at a sufficient depth to offer protection.

D. **Witness Monuments.** When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.

E. **Benchmarking.**
   1. *When Required.* For all subdivisions of five lots or more, a permanent benchmark shall be accessibly placed, the elevation of which shall be based on mean sea level as determined by the U.S. Geological Survey (USGS) and accurately noted on the subdivision plat. Permanent Benchmarks shall be brass capped, set in concrete, with a minimum dimension of six inches in diameter, four feet long with a flat top. The top of the brass monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade stamped with one-half inch number.
   2. *When Not Required.* Where no bench mark is established or can be found within 300 feet of the boundary of the subdivision, such bench mark shall be established to the latest edition of the U.S. Coast and Geodetic Survey datum. The bench mark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.

F. **Lot Makers**. Lot markers shall be five-eighths-inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary, in order to avoid being disturbed.

Sec. 28-4-15. Common Open Space

A. **Requirement.** When the creation of common open space is required as part of a development, a 10-foot buffer of property next to any natural waterway is required to be a portion of the property designated as common open space within a development. This property shall be designated as passive recreational space to create a connected greenway system throughout the City.

B. **Design.**

1. *Integrated into Overall Design.* Generally, common open spaces shall be integrated into the development design to bring significant open space to a maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Visual or physical access to common open spaces may be limited if such limitations would materially enhance natural resource management.
2. *Greenways*. Common open spaces shall be designed to provide greenways and riparian areas along drainage corridors, streams, bayous, and water bodies. The landscaping along these linear features shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway for the residents of the proposed development and where applicable, for connection and access for abutting and adjacent developments.
3. *Community Focus Points*. Common open spaces designed to be community focus points shall be designed to provide areas of communal gatherings. Landscaping, furniture, and amenities for pedestrians shall be installed to enhance this effect.

Figure 28-4-15
Integrated Open Space

Sec. 28-4-16. Parkland Dedication

A. **Applicability**. This section shall be applicable to all recreational areas in the form of neighborhood parks, regional parks, and trail systems linking public areas and subdivisions, as a function of subdivision development within the City and the City's extraterritorial jurisdiction.

B. **Neighborhood Parks**. Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby. The City Council shall adopt park zones, which shall be shown on an official parks and recreation map for the City. Such park zones are prima facie proof that any park located therein is within such a convenient distance

from any residence located therein. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

C. **Regional Parks**. Regional parks are those parks not primarily serving a specific neighborhood, but rather designed to serve the entire City and the City's extraterritorial jurisdiction, such as ballparks, soccer fields, and trail systems which connect various neighborhoods.

D. **Municipal Utility District Park Dedication**. Parks dedicated to a municipal utility district shall be considered public parks.

E. **Land to be Used for Single-Family, Duplex, or Multifamily Residential Purposes**.

1. *Final Plat*. Whenever a final plat is filed in the county real property records for development of a residential area in accordance with this division, such plat shall contain a clear fee simple dedication of an area of land to the City (or to a municipal utility district) for neighborhood park purposes, which area shall equal one acre for each 60 proposed dwelling units. Any proposed plat submitted to the City for approval shall show the area proposed to be dedicated under this section. The required dedication of this section may be met by a payment of money in lieu of land, the pledge of security guaranteeing a future dedication of park land, or the provision of private neighborhood park land when permitted or required by the other provisions of this section.

2. *Areas of Less than Five Acres*. In instances where an area of less than five acres is required to be dedicated the City shall:

   a. Accept or reject the dedication of such public park within 60 days following approval of the preliminary plat after consideration by the Planning and Zoning Commission and the City Council.

   b. In the event the City determines that sufficient park area already is in the public domain in the area of the proposed development, or if the recreation potential for that zone would be better served by expanding or improving existing parks, then the proposed dedication will be disallowed and the developer shall be required to make payment of cash in lieu of land.

3. *Additional Dwelling Units*. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land.

F. **Money in Lieu of Land Dedication for Neighborhood Parks**.

1. *Fee-in-Lieu*. Subject to approval of the City Council, a developer responsible for dedication of neighborhood park land under this division may elect to meet the requirements of this Section, in whole or in part, by a cash payment in lieu of land, in the amount of $350.00 per dwelling unit. Such payment in lieu of land shall be made at or prior to the time of final plat approval; provided, however, the developer may elect to record upon the final plat the following notation:

2. *Timing of Permit Issuance*.

   a. No building or other permit, except permits for construction of public improvements, will be issued by the City of Fulshear, Texas, for construction within the subdivision until such time as the payment of money in lieu of park land required has been submitted to and accepted by the City.

   b. In the event the developer places the above notation upon the final recorded plat of the subdivision in lieu of making the payment of money in lieu of park land, the City shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such

time as the payment of money in lieu of park land required by this division is submitted to and accepted by the City.

G. **Purchase of Park Land**. The City may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land within a park zone, subsequent park land dedications for that zone shall be in cash only and calculated to reimburse the City's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of:

1. *Average Land Price*. The average price per acre of such land, the actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the City.
2. *City Reimbursement*. Once the City has been reimbursed entirely for all such park lands within a park zone, this subsection shall cease to apply, and the other subsections of this section shall again be applicable.
3. *Per Dwelling Unit Cost*. To the extent that the subsection above is not applicable, the dedication requirement shall be met by a payment in lieu of land computed on the basis of $450.00 per dwelling unit.

H. **Private Neighborhood park land in lieu of dedicated park land**. A developer responsible for dedication under this division may elect to meet up to 50 percent of the requirements by the provision of private neighborhood park land. Credit for private park land will be governed by the following criteria:

1. *Accessibility*. The land offered as private neighborhood park land must be open and accessible to all residents of the platted subdivision. Land or facilities that are excluded to a portion of the subdivision residents will not be considered as private neighborhood park land.
2. *Unencumbered*. Land which is unencumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private neighborhood park land at full credit. Land that has recreation facilities on it such as tennis courts, swimming pools, playing fields, recreation buildings, and any other similar facility also will qualify for full credit.
3. *Encumber Land*. Land which is encumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics shall not qualify for credit as usable park space, unless it contains active uses as outlined below.
   a. Pipeline or utility easements, or areas along lake borders and drainage ditches shall have:
      i. Hike, bike, and all-weather paths, landscaping and sodding installed according to the construction standards of the City. Paths must also be connected to recreational areas as part of an open space system;
      ii. An average minimum width of 30 feet and a minimum width of 20 feet; and
      iii. Side slopes not to exceed a three to one ratio, unless otherwise approved by the City.
   b. Maintenance responsibility for areas offered as private neighborhood park land must be identified with the submission of a preliminary plat.
   c. Land offered for private neighborhood park land credit, which is less than three acres in size, is generally discouraged unless it is an integral part of the private park and open space provisions of the subdivision. A list of landscaping and other improvements of special uses planned for areas of land less than one-half acre in size shall be submitted with the preliminary plat.

I. **Contribution for Regional Parks**. In addition to the provisions for neighborhood parks by dedication of land or the payment of fees in lieu thereof as described above, a developer shall contribute an additional $450.00 per dwelling unit for the development of regional parks.

J. **Special Funds, Right to Refund**.

1. *Deposits*. There is established a special fund for the deposit of all sums paid in lieu of park land dedication, which funds shall be known as the "park land dedication fund" and the "regional park fund." The City may establish additional subfunds as it deems appropriate to track funds for different zones or different regional parks.
2. *Accounting*. The City shall account for all sums paid in lieu of park land dedication under this division with reference to the individual plats involved. Any funds paid for such purposes must be expended by the city for acquisition and development of parks. Such funds shall be considered to be spent on a first in, first out basis for each park zone.

K. **Additional Requirements.**

1. *Private Parks*. Any land dedicated to the City or provided as private neighborhood park land under this division must be appropriate for park and recreation purposes. The City reserves the right to reject any land that it deems as unsuitable for such purposes.
2. *Drainage Areas*. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City standards, the land is appropriate for park use, and if no significant area of a park is cut off from access by such channel.
3. *Public Street Access*. Each park must have ready access to a public street.

L. **Exactions**. If the City requires as a condition of plat approval that the developer bear a portion of the costs of City infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by the City's engineer. The City's engineer may make his individualized determination as to the amount of infrastructure improvements required by the developer before any final plat is submitted.

M. **Parks, Playground, Schools, and Other Public Facilities**.

1. *Parks and playground.* A subdivider shall be required to provide open space for park purposes or dedicate funds for parks as set out in this article.
2. *Schools.* The location, size and shape of any proposed school site shall be in accordance with the master plan of the City and the county, as amended or supplemented, as approved by the planning commission and finally accepted by the City Council, Lamar Consolidated Independent School District or Katy Independent School District, as applicable.
3. *Public facilities and other special land uses.* The location, size and shape of any proposed public facility or other special land use site shall be in accordance with the comprehensive plan for the City and the County, as amended and supplemented, as approved by the planning commission and finally accepted by the City Council.

Sec. 28-4-17. Maintenance Associations

A. **Required to Manage Open Space Requirements.** A property owners association or a Municipal Utility District (MUD) is required to maintain any and all open space requirements as required per Sec. 28-4-15, *Open Space* and Sec. 28-4-16, *Park Dedication* that has not been dedicated to the City.

B. **City's Limited Right of Approval**. The City shall have a limited right of approval concerning the incorporation documents for a property owners' association that is proposed to be enacted within its City limits. This right of approval is limited only to the items specifically listed in subsection D below which directly affects the City.

C. **No Dispute Intervention**. The City will not seek to intervene in purely private disputes pertaining to a private covenant, condition, or restriction.

D. **Review of Agreement**. The Developer shall submit to the City Attorney all proposed property owner association incorporation documents to ensure that the following provisions are included in a format that is acceptable to the City:

1. All items that are required by either this Division or any additional conditions of approval, which may include specific rights of enforcement being granted to the City.
2. Membership in the property owners' association shall be mandatory for all owners of property in the subdivision or condominium.
3. Dues are payable to the property owners' association at regular intervals.
4. The property owners' association has lien rights with respect to unpaid dues.
5. The property owners' association has a perpetual existence.
6. The property owners' association has all responsibilities for the maintenance of common open space, green space, and other facilities provided for benefit and enjoyment of members.
7. The property owners' association has the capacity to sue and be sued.
8. Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities.
9. A Property owners' association or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

Sec. 28-4-18. Developer Responsibilities

A. **General Responsibilities**. In general, the subdivider or developer shall be required to construct, at his expense, all streets, alleys, sidewalks, crosswalks, street markers, sanitary sewers, sewage lift stations or other sewage facilities, water mains, and water systems, drainage culverts, storm sewers, bridges, street

lights and other appurtenances necessary and required to adequately serve the subdivision or any future addition.

B. **Geographic Information Systems Requirement.** The developer is responsible for recording accurate GPS data that shall be converted into data that is consistent with the City's Geographical Information Systems (GIS) data specifications. This data will be provided to the City prior to the completion of the City accepting the street utilities and other appurtenances from the developer.

C. **Street, Utilities and Appurtenances to Become Property of City**. All street utilities and other appurtenances constructed by the developer shall become the property of the City upon completion and acceptance by the City Engineer and City Council.

D. **When the City is to Assist the Developer**. Upon the passage of these standards, it will be the policy of the City to assist the developer in recovering the cost of construction of such facilities where sizes and capacities of facilities are required to serve urban development of a larger area than that being subdivided or areas extending beyond the limits of the proposed subdivision to the extent hereinafter set forth; but the City reserves the right to consider each facility on its own merits.

DIVISION IV-3: Public Improvements: Dedication and Acceptance

Sec. 28-4-19. Inspection of Construction

A. **General Requirements.** No sanitary sewer, water, or storm sewer pipe shall be covered, no flexible base material, subgrade material, or stabilization shall be applied to the street subgrade, and no surface material shall be applied to the base, without the written approval of the City Engineer.

B. **City Engineer Responsibilities.** The City Engineer, or his duly authorized representative shall:
   1. Inspect any and all phases of the construction of improvements for each subdivision; and
   2. May issue a stop-work order on any construction, installation, repair, or maintenance of any improvement when, in the City Engineer's judgment, the requirements of this Article have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation.

C. **Applicant Responsibilities.** The applicant shall:
   1. Pay to the City an inspection fee in the amount of one percent of the total cost of construction;
   2. Maintain regular contact with the City Engineer during construction of improvements; and
   3. Engage a state registered professional engineer who shall be responsible for all phases of the design and construction of the required improvements.

Sec. 28-4-20. Guarantees of Performance

A. **Requirements to Obtain a Permit.** With the exception of a permit necessary for construction of required improvements, the City shall not issue any building, electrical, mechanical, plumbing, certificate of occupancy, or any other permit until such as time as the applicant has:
   1. Constructed required improvements and the City Council has accepted such required improvements including but not limited to any required landscaping and underground irrigation;

2. Opened an escrow account sufficient to pay for 120 percent of the estimated cost of required improvements as determined by the City Engineer computed on a private commercial rate basis and the applicant provides to the City evidence of such escrow account. Additionally, the applicant shall:
   a. Enter into a written agreement with the City by which the applicant authorizes the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow account should the applicant fail or refuse to install the required improvements within the time stated in such written agreement;
   b. Upon written approval of the City Engineer that the applicant has made required improvements, the applicant may draw upon the escrow account so long as sufficient funds remain in the escrow account to complete any required improvements not yet made; and
   c. Any and all funds remaining in the escrow account after completion of improvements and acceptance of all such improvements by the City Council shall be promptly released by the City to the applicant; or
3. Filed a corporate surety bond with the City executed by a surety company licensed to do business in the state and acceptable to the City Council, in an amount equal to 120 percent of the estimated cost of required improvements determined by the City Engineer computed on a private commercial rate basis guaranteeing the installation of such required improvements by the applicant within the time stated in the bond, which time shall be fixed by the City Council.

B. **Financial Assurance to Ensure Required Amount of Common Open Space and Recreational Amenities is Provided.** Should a developer request that the first portion of a proposed development that will be submitted in accordance with Sec. 28-4-7, *Development Phasing*, have less common open space than a second or subsequent portion as designated by a general plan, then said developer shall be required to file a bond, certificate of deposit, letter of credit, or the equivalent for 120 percent the value of the lost common open space. Additionally, this guarantee will cover the cost of any proposed recreational facilities and improvements to be provided in any subsequent phases of development.

Sec. 28-4-21. Maintenance of Dedicated Improvements

A. **Plat Approval**. Plat approval shall not obligate the City to accept or maintain improvements until the City Council, after inspection and recommendation by the City Engineer, shall have accepted such improvements.

B. **Required Maintenance of Improvements**. The applicant shall maintain all improvements for a period of one year following acceptance by City Council. Such one-year period of required maintenance shall not begin until the applicant files with the City either a:
   1. Maintenance bond, executed by a surety company licensed to do business in the State of Texas and acceptable to the City Council, in an amount equal to 100 percent of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for such one-year period; or
   2. Cash bond, in an amount equal to 100 percent of the cost of installation of such improvements, likewise warranting that said improvements will render satisfactory operation for such one-year period.

ARTICLE V: NONCONFORMITIES

DIVISION V-1: Purpose and Application

Sec. 28-5-1. Purpose

A. **Purpose.** The purpose of this Article is to:

1. Ensure that nonconforming uses do not expand;
2. Ensure the terms and conditions of existing development agreements do not result in nonconformities;
3. Protect conforming uses from nuisances;
4. Mitigate and establish standards for the property's continued use when nonconformity is minor; and
5. Eliminate substantially damaged, abandoned, or dangerous to public safety nonconforming uses, structures, site development elements, and signs.

B. **Establishment of Uses Prior to Effective Date.** Uses and structures that were established prior to the effective date of this CDO shall be referred to as nonconforming when:

1. The established use does not comply with the use standards in the Zoning Districts in which such use is located; and
2. The building and/or structure that does not comply with the applicable property development standards of the Zoning District in which the buildings and/or structures are located.

C. **Standards.** This Article provides standards that classify nonconformities by the degree of conflict, annoyance, incompatibility, or hazard to surrounding properties.

D. **Reduction of Nonconformities.** All nonconforming uses, buildings, structures, signs, or lots shall be encouraged to conform to this Code. Rules and procedures are established to balance the desire to eliminate the use, structure, sign, site development element, or lot nonconformity against the degree and impact of nonconformity and the landowner's rights.

Sec. 28-5-2. Application

A. **Application.** This Article shall apply to uses, structures, lots, site development elements, and signs that were lawfully constructed or established on a land site or in a structure before the effective date of this CDO.

B. **Continuation**. A nonconforming use, structure, lot, or sign that lawfully occupies a structure or site shall be permitted to continue subject to the standards and limitations of this section.

1. *Nonconforming Use.* A nonconforming use may be continued so long as it remains otherwise lawful.
2. *Nonconforming Structure.* A structure 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 underlying Zoning District established in DIVISION II-2, *Zoning Districts*, in which the structure is located.
3. *Nonconforming Site Development Elements*. The following site elements are nonconforming if lawfully established prior to this CDO but not conforming with the standards of ARTICLE III, *Site Development:*

a. Building exterior form;

b. Parking, loading, or access;

c. Development buffering, landscaping or screening; and

d. Outdoor lighting.

4. *Nonconforming Sign*. A lawfully established sign that fails to meet the applicable requirements of DIVISION III-4, *Signs*, is a nonconforming sign.

5. *Nonconforming Lot*. A lot, not held in common with any other lot, that does not meet the area or other dimensional requirements established in ARTICLE II, *Zoning Districts*.

C. **Major and Minor Nonconforming Uses and Structures**. Nonconforming uses and structures are classified as major or minor, as follows:

1. *Major*. Major nonconforming uses or structures are those that generate nuisances or represent such incompatibility with adjacent properties and/or the Comprehensive Plan that they should be eliminated.

2. *Minor*. Minor nonconforming uses or structures are those not classified as major nonconformities.

D. **Removal of Nonconforming Uses or Nonconforming Structures**. A nonconforming use, structure, site development element, or sign may be amortized by the City based on the City providing the following:

1. Adequate written notice to the owner of the impending amortization;

2. Sufficient time for the owner to procure an appropriate place to relocate; and

3. 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.

E. **Unlawful Uses, Buildings, Structures, Signs, or Lots.** A use, structure, sign, or lot that did not comply with applicable laws at the time it was established, constructed, or created, is an unlawful use, building, structure, sign, or lot. Unlawful uses, buildings, structures, signs, and lots are violations of this Code and are not subject to this Article.

DIVISION V-2: Classification of Nonconformities

Sec. 28-5-3. Uses

A. **Generally**. A nonconforming use is a use of land that was lawfully established (e.g., it was allowed and issued a permit, if a permit was required at the time the use was established) on a parcel or lot before the effective date of this CDO, that is no longer allowed after the effective date of this CDO. Amendments to this CDO may also make uses nonconforming. The following uses are legal nonconforming uses:

1. "Conditional Uses" as listed in the Zoning District standards established in DIVISION II-2, *Zoning Districts*, but were lawfully established without a Conditional Use Permit. For these uses, the nonconforming use status may be removed by obtaining a conditional use permit set out in Sec. 28-7-17, *Conditional Use Permits;*

2. Do not meet the requirements of DIVISION II-3, *Use Standards*; and

3. Were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.

B. **Classifications of Nonconforming Uses.** There are two types of nonconforming uses: major nonconforming uses and minor nonconforming uses. The classification of the nonconforming use affects whether or not it can be converted to a conforming use.

1. *Major Nonconforming Uses*.
   a. *Discontinuance*. Discontinuance of a major nonconforming use for a period of six consecutive months constitutes abandonment of the use, regardless of the owner's intent. A major nonconforming use shall not be re-established on the property after it is abandoned unless the City Council approves a Zoning Map Amendment in accordance with Sec. 28-7-29 that makes the prior use conforming.
   b. *Expansion, Enlargement, or Increases*. A major nonconforming use shall not be expanded, enlarged, extended, increased, or moved to occupy an area of land or building that was not used or occupied on the effective date of this CDO or any amendment that made the use nonconforming.
   c. *Structures*. No structures containing a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.
2. *Minor Nonconforming Uses.*
   a. *Discontinuance*. Discontinuance of a minor nonconforming use for a period of 12 consecutive months constitutes abandonment of the use, regardless of the owner's intent. A minor nonconforming use shall not be re-established on the property after it is abandoned unless the property owner converts the nonconforming use to a conforming use in accordance with DIVISION V-3, *Conversion of Nonconformities*, prior to the end of the 12-month period.
   b. *Expansion and/or Extension*. No minor nonconforming use shall be expanded or extended in such a way as to:
      i. Occupy any open space or landscaped area that is required by this CDO;
      ii. Exceed pervious cover, intensity, or height limitations of the Zoning District in which the use is located;
      iii. Occupy any land beyond the boundaries of the property as it existed on the effective date of this CDO;
      iv. Displace any conforming use in the same building or on the same property; or
      v. Increase the area of floodplain (if present) that is directly impacted by the use.
   c. *Nonconforming Residential Uses*. A nonconforming residential use shall not be expanded in scope or area, except that construction of an attached or free-standing private garage is allowed in accordance with the requirements of this CDO and the zone in which the use is located, including, but not limited to:
      i. Height;
      ii. Setback;
      iii. Gross floor area; and
      iv. Building coverage.

Sec. 28-5-4. Structures

A. **Generally.** A building or structure is classified as nonconforming if it was lawfully constructed before the effective date of this CDO (or amendment hereto) and does not conform to the height, yard, pervious cover, density, intensity, building scale, or design standards that are applicable to the same type of building or structure in the zoning district in which the building or structure is located. Such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. *Increase in Nonconformity Prohibited*. No such structure may be enlarged or altered in any way which increases its nonconformity.
2. *Movement of Structure*. Should any on-site structure, in whole or in part, be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the Zoning District in which it is located after it is moved.
3. *Minimum Floor Area*. A residential dwelling unit having a lesser floor area at the time of the passage of this CDO than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming.

B. **Repairs and Alterations.** Routine maintenance, including necessary non-structural repairs, paint, finish, and incidental alterations to a nonconforming structure is allowed without having to bring the nonconformity into compliance.

C. **Damage and Reconstruction**. If a major or minor nonconforming structure is damaged, partially destroyed, or deemed to be unsafe the structure may be restored to its original dimensions provided that:

1. The original nonconformity is not enlarged, increased, or extended;
2. A building permit is obtained for repairs within six months of the date the building was damaged;
3. The construction is commenced within six months after obtaining the required Building Permits; and
4. The damage or destruction does not exceed 50 percent of the gross floor area (GFA) of a nonconforming structure or 50 percent of the replacement cost of the structure.

D. **Existing Nonconforming Structures in a Regulated Floodplain or Floodway**. It is the intent of the City that no permanent buildings or structures be located or substantially improved in a regulated floodplain or floodway and that existing nonconforming structures shall be removed upon abandonment. As such, a property with an abandoned nonconforming structure in a regulated floodplain or floodway shall not be eligible for any development review approval until the property owner removes the abandoned nonconforming structure.

E. **Nonconforming Density.** Buildings on lots with nonconforming density may be expanded or extended as may be allowed by this CDO, but such expansions or extensions shall not create additional dwelling units.

Sec. 28-5-5. Lots

A. **Generally**. Nonconforming lots are lots that were lawfully created before the effective date of this CDO or amendments hereto which no longer complies with the lot width, lot area, or access requirements of this CDO.

B. **Combination of Lots to Increase Conformity**.

1. *Combination*. Where a property owner owns one or more lots abutting a nonconforming lot of record, the lots shall be combined to create fully conforming lots prior to any other development application

submittal for the property. Or, if full conformity is not possible, they shall be combined if the combination will increase the degree of conformity.

2. *No Combination*. A property owner is not required to combine lots pursuant to subsection (B)(1), above, if:
   a. The combination of lots would not address the nonconformity;
   b. The combination of lots would disrupt the lot pattern of the street, for example, by creating an internal through on a street segment that does not include any other through lots;
   c. Two or more of the lots are developed with principal buildings, and the combination of lots would require that one or more of the buildings be torn down or the property undergo a Zoning Map Amendment in order to comply with this CDO; or
   d. The combination of lots would result in regularly shaped lots being combined into a single lot with an irregular shape, such as a flag lot.

C. **Construction on Nonconforming Lots of Record**. A nonconforming lot of record that cannot be combined with another lot in accordance with subsection B above may be built upon if, as of the effective date of this CDO:
   1. The use is permitted in the Zoning District in which the lot is located;
   2. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use; and
   3. All setbacks and height requirements are met, except that the Administrator may authorize a reduction of required setbacks of up to 10 percent, provided that the Administrator finds that the reduction does not allow a building that would be larger than a building that would be permitted on the minimum conforming lot in the Zoning District.

Sec. 28-5-6. Signs

A. **Generally.** Any permanent sign located within the City municipal limits or its ETJ on the effective date of this CDO that does not conform to the provisions of DIVISION III-4, *Signs*, is a "legal nonconforming" sign, provided it also meets the following requirements:
   1. Authorized by a sign permit prior to the effective date of this CDO; or
   2. If no sign permit was required under applicable law for the sign in question, the sign:
      a. Was in all respects in conformity with the applicable law (or there was no applicable law) immediately prior to the effective date; or
      b. Had legal nonconforming status at such time.

B. **Standards.**
   1. *Registration.* The owner or entity in control of the property on which a nonconforming sign is located shall be required to register such signs with the city, at no fee, and otherwise comply with all requirements of this CDO relating to nonconforming signs and sign structures.
   2. *Repairs and Alterations***.** Routine maintenance, including necessary non-structural repairs, paint, and incidental alterations to a nonconforming sign is allowed without having to bring the nonconformity into compliance.

3. *Damage or Destruction.* In the event that more than 50 percent of the area or 50 percent of the replacement cost of a lawfully existing nonconforming sign is damaged or changed, the sign shall be removed and made to conform or replaced with a conforming sign.
4. *Danger to Public Safety*. A nonconforming sign that the Building Official determines to be a danger to public safety due to damage or wear shall be removed and shall not be replaced unless in accordance with DIVISION III-4, *Signs*.
5. *No Message*. If a nonconforming sign does not display any message for a period of six months, it shall be removed or brought into conformance with this CDO.
6. *Removal of Sign.* When a nonconforming sign is removed for any reason other than routine repair and maintenance, the replacement sign must comply in all respects with the standards set out in this CDO.
7. *Removal of Nonconforming Elements*. If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element. For example, if a sign is nonconforming with respect to the items of information limitation, and a tenant panel is removed, then the new tenant panel shall be conforming with respect to its proportional share of items of information (e.g., if a five-panel directory sign has a total of 60 items of information, but only 20 are allowed, then when a single panel is replaced, the new panel may include up to four items of information).
8. *New Sign Installation*. The installation of any new sign is prohibited on a site while a nonconforming sign remains in use.
9. *Temporary Signs*. Temporary signs that are not in compliance with Sec. 28-3-33, *Signs Requiring Approval,* shall be removed.

DIVISION V-3: Conversion of Nonconformities

Sec. 28-5-7. Purpose

The purpose of this Section is to provide standards by which minor nonconforming uses (See Sec. 28-5-2, *Application*) can be made "conforming" through a public hearing process. In many instances, minor nonconforming uses are integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Article in order to remove the potential stigma that may be associated with the "nonconforming" designation.

Sec. 28-5-8. Criteria for Approval

A. **Procedure.** An owner of a minor nonconforming use may apply for a Conditional Use Permit pursuant to Sec. 28-7-17, *Conditional Use Permits*, which has the effect of making the nonconforming use conforming. The criteria for conditional use approval are set out in subsection C below.

B. **Exclusions.** This procedure does not apply to nonconforming lots, which may be buildable in accordance with the standards for nonconforming lots set out in Sec. 28-5-5, *Lots*.

C. **Criteria for Approval.** A Conditional Use Permit approval may be granted to make a nonconforming building, structure, or use conforming, if, in addition to the criteria for approval of a conditional use permit set out

in Sec. 28-7-17, *Conditional Use Permits*, and Sec. 28-2-16, *Conditional Use Standards*, all of the criteria of this Section are satisfied.

1. *Approval Criteria*. The use, as conducted and managed, has minimal nonconformities and has been integrated into the neighborhood's (or Zoning District's if it is not in or adjacent to a residential neighborhood) function, as evidenced by the following demonstrations:
   a. The neighborhood residents regularly patronize or are employed at said use (for nonresidential uses in or abutting residential neighborhoods);
   b. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts;
   c. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints); or
   d. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.
2. *Conditions*. The Zoning Board of Adjustment (ZBA) may impose conditions relative to the expansion of bufferyards, landscaping and landscape areas, or other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or operation of the use.

Sec. 28-5-9. Effect of Approval

Uses that comply with the terms of a Conditional Use Permit issued in accordance with this Section are converted from "legally nonconforming uses" to "conforming uses" by virtue of the issuance of the Permit.

A. **Written Approval**. Conditional Use Permit approvals shall be provided to the applicant in writing and may be recorded by the applicant at the applicant's expense.

B. **Annotation of Official Zoning Map**. Upon granting a Conditional Use Permit and the applicant's demonstration of compliance with any conditions placed upon it, the Administrator shall annotate the Official Zoning Map indicating that the property has a Conditional Use Permit, as well as the permit number and date of approval.

DIVISION V-4: Regulations

Sec. 28-5-10. Abandonment

A. **Overcoming Presumption of Abandonment**. The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the 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 no intent to abandon.

B. **Calculation of Abandonment Period**. 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. 28-5-11. Change of Use

A. **Generally**. A nonconforming use shall not be changed to another nonconforming use unless the ZBA approves the conversion of a nonconforming use to a "legally conforming use" in accordance with DIVISION V-3, *Conversion of Nonconformities.*

B. **Effect of Change of Use.**

1. *Presumption of Discontinuing Use*. A change of use from a nonconforming use to a conforming use shall create an irrebuttable presumption of the owner's intent to discontinue the nonconforming use. After the change in use, the nonconforming use shall not be resumed.
2. *No Reversion Back to a Nonconforming Use*. If a nonconforming use occupies a portion of a building or property and that portion is changed from a nonconforming use to a conforming use, then the use of that portion of the building or property shall not thereafter be changed back to the nonconforming use.

Sec. 28-5-12. Compliance Thresholds

A. **Purpose**. The purpose of this Section is to encourage reinvestment in existing buildings and properties by reasonably mitigating the costs of retrofitting existing buildings and sites to achieve full compliance with this CDO. This Section does not relate to building code compliance or compliance with applicable engineering standards.

B. **Administrative Compliance Requirements**. Set out in Table 28-5-12, *Administrative Compliance Requirements*, are the levels of reinvestment in a property that trigger compliance with the regulations set out in this CDO.

Table 28-5-12 Administrative Compliance Requirements		
Type of Improvement	**Definition of Improvement**	**Level of Compliance that is Required**
New development or redevelopment	1. Development of vacant sites; 2. Expansion of a building by more than 70 percent of its gross floor area; and 3. Tear-down and reconstruction of a building (except re-establishment of a nonconforming use or building pursuant to Sec. 28-5-10, *Abandonment, Restoration, and Removal*).	Full compliance with all provisions of this Code is required. Compliance with Sec. 28-5-5, *Lots,* is sufficient with respect to lot dimensions.
Major expansions	Expansion of a building by 30 percent to 70 percent of its gross floor area, or an increase in parking requirements of more than 20 percent, as set out in Sec. 28-3-11, *Computing Parking*.	1. Parking spaces and drive aisles shall be dimensioned, and loading spaces shall be provided, as required by Sec. 28-3-11, *Computing Parking*. Parking spaces shall be provided according to the applicable regulations set out in Sec. 28-3-15, *Design and Use*. 2. Landscaping improvements must further the objectives of DIVISION III-3, *Buffering, Landscaping, and Screening*. 3. Bufferyards shall be provided as required by Sec. 28-3-27, *Bufferyards*. 4. Improvements that are needed to ensure public safety and safe access and circulation are required. 5. Additions may match façade materials of the existing building. Building expansion that includes changes to existing building facades shall be designed according to the standards of DIVISION III-1, *Building and Site Design*. 6. Major nonconforming uses shall be discontinued.

Table 28-5-12 Administrative Compliance Requirements		
Type of Improvement	**Definition of Improvement**	**Level of Compliance that is Required**
Minor expansions	Expansion of a building by less than 30 percent of its gross floor area or an increase in parking requirements of 20 percent or less, as set out in Sec. 28-3-11, *Computing Parking*.	1. New parking spaces and drive aisles shall be dimensioned as required by Sec. 28-3-15, *Design and Use.* if the new dimensions would not be detrimental to safe circulation when combined with the existing lot. 2. Major nonconforming uses shall be discontinued. 3. If height is increased by more than 20 percent within 50 feet of a district boundary line or if the expansion reduces the dimension between the building and a district boundary line, bufferyards shall be brought into compliance with Sec. 28-3-27, *Bufferyards*.
Façade and site improvements	Building or architecture changes or site improvements that do not involve expansion of the building or parking, but will change the physical character of the building or site beyond repair and maintenance.	1. Buildings affected by the construction shall be designed according to the standards in DIVISION III-1, *Building and Site Design.* 2. Landscaping improvements must further the objectives of DIVISION III-3, *Buffering, Landscaping, and Screening*. Improvements affected by the proposed site improvements that are needed to ensure public safety and safe access and circulation are required.
Parking lot improvements	Drainage, expansion, or reconstruction improvements, but not re-striping alone unless the re-striping according to the standards of Sec. 28-3-15, *Design and Use*, results in a reduction of the area of the existing parking spaces by more than 10 percent.	1. Parking spaces and drive aisles shall be dimensioned, and loading spaces shall be provided, as required by DIVISION III-2, *Parking, Loading, and Access*. 2. Parking lot landscaping shall be provided as required by Sec. 28-3-25, *Landscape Requirements*, even if it results in a reduction in the number of parking spaces, but only to the extent that the reduction does not result in a parking lot that contains less than 95 percent of the required parking spaces set out in Sec. 28-3-11, *Computing Parking*

ARTICLE VI: ADMINISTRATIVE BODIES

DIVISION VI-1: Purpose and Application

Sec. 28-6-1. Purpose

The purpose of this Article is to set out the development review bodies that are responsible for the administration of this CDO. This Article describes the roles and responsibilities and general rules of procedure of the City Council, Planning and Zoning Commission, Historic Preservation and Museum Commission, Zoning Board of Adjustment, Development Review Committee, and City Staff. 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 CDO in the manner described in this section.

Sec. 28-6-2. Applicability

A. **City Council**. The provisions of Sec. 28-6-3, *City Council*, are intended to establish the City Council's role with respect to decisions about individual properties pursuant to this CDO. No part of this CDO restricts or limits any other powers that are granted to the City Council by Federal law, State statute, or the City's Code of Ordinances.

B. **Other Administrative Bodies**. The provisions of this Article that relate to other bodies are representative of the authority that the City Council has delegated to them with respect to application and enforcement of this CDO.

C. **No Implied Limitation**. The provisions of this Article shall not be a limitation regarding the conduct of Boards, Councils, and Commissions where additional responsibilities or authority are set out elsewhere in this CDO, the Code of Ordinances, or through policies adopted by the City Council, or by a Board, Council, or Commission as approved by the City Council.

DIVISION VI-2: Bodies Established and Authorized

Sec. 28-6-3. City Council

A. **Establishment of Authority.** For the establishment of City Council as the governing authority, cross-reference the City Charter Part I Article III and Code of Ordinances Chapter 2 Article II.

B. **City Council Actions.** City Council shall have the authority to grant final plat approvals as outlined in Sec. 28-7-36, *Final Plats*.

Sec. 28-6-4. Planning and Zoning Commission.

A. **Establishment of Authority.** For the establishment of Planning and Zoning Commission (P&Z), cross reference:

1. Ordinance No. 2016-1216, *Home-Rule Charter Approval*, Sec. 4.10 *Planning and Zoning Commission*; and
2. Chapter 2 Article III, Division 2, *Planning and Zoning Commission* of the City's Code of Ordinances.

B. **Planning Commission Actions.** For the purposes of this CDO, the P&Z shall exercise the following powers and be required to:

1. Review and recommend to the City Council changes in zoning;
2. The authority to grant preliminary plat approvals as outlined in Sec. 28-7-37, *Preliminary Plats*.
3. Review and make a recommendation of approval or disapproval to the City Council for final plats in accordance with Sec. 28-7-36, *Final Plats*;
4. Perform all functions designated as either "final decision" or "recommendation" as provided in Table 28-7-3, *Table of Permits and Approvals*; and
5. Perform such other functions and duties as authorized in this CDO and as may be duly delegated to them by the City Council.

Sec. 28-6-5. Historic Preservation and Museum Commission

A. **Establishment of Authority.** For the establishment of the Historic Preservation and Museum Commission (HPMC), see the City's Code of Ordinances, Chapter 2 Article III Division 5, *Historic Preservation and Museum Commission*.

B. **Historic Preservation and Museum Commission Actions.** For the purposes of this CDO, the HPMC shall exercise the following powers and be required to:

1. Review and make a recommendation to the P&Z for properties that have a historic designation per Sec. 28-7-23, *Designation of Historic Property*; only when the following application types are submitted:
   a. Preliminary plats;
   b. Final plats; and
   c. Zoning map amendments.
2. Perform such other functions and duties as authorized in this CDO and as may be duly delegated to them by the City Council.

Sec. 28-6-6. Zoning Board of Adjustment

For the purpose of this CDO, the Zoning Board of Adjustment (ZBA) shall exercise the following powers and be required to:

A. 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 CDO;

B. Hear and decide appeals of any interpretation of the text of this CDO made by the Building Official or Administrator pursuant to Sec. 28-7-32, *Interpretations*; and

C. Hear and decide requests for variances from the terms of this CDO pursuant to the procedures and standards of Sec. 28-7-33, *Variances*.

Sec. 28-6-7. Administrator

For purposes of this CDO, the Administrator shall exercise the following powers and be required to:

A. Make recommendations and provide assistance to the City Council, P&Z and the ZBA;

B. Render administrative decisions on appropriate development applications; and

C. Render administrative interpretations of the text and zoning maps in this CDO pursuant to the procedures and standards in Sec. 28-7-34, *Interpretations.*

Sec. 28-6-8. Building Official

For purposes of this CDO, the Building Official shall exercise the following powers and be required to:

A. Make recommendations and provide assistance to the City Council, P&Z, and the ZBA;

B. Render administrative decisions on appropriate development applications; and

C. Render administrative interpretations of the text and Zoning maps in this CDO pursuant to the procedures and standards in Sec. 28-7-34, *Interpretations*.

Sec. 28-6-9. Development Review Committee (DRC)

A. **Generally.** The Development Review Committee (DRC) is created to provide technical review of development plans, site plans, and plats to verify that they comply with this CDO and to make a recommendation to the P&Z with regard to same.

B. **Duties and Responsibilities.**
   1. Review design of development plans, site plans, and plats for conformance with this CDO; and
   2. Submit recommendations to the P&Z based on design compliance on site plans, plats, and development plans.

C. **Membership.** The DRC is composed of:
   1. The Building Official;
   2. The Director of Public Works;
   3. The Administrator (who shall also serve as the Chairperson); and
   4. Other City or other agency employees as deemed necessary.

D. **Rules of Procedure.**
   1. Meetings shall be called by the Administrator as necessary to review and make recommendations on development plans, site plans and plats.
   2. The Administrator shall make a recommendation based on a consensus of the majority of the DRC and shall submit the recommendation to the appropriate governing body.

ARTICLE VII: PERMITS AND PROCEDURES

DIVISION VII-1: Permits and Approvals

Sec. 28-7-1. Purpose

The purpose of this Article is to set out all the City's development approval procedures in one place and to standardize them to the maximum practicable degree.

Sec. 28-7-2. Application

A. **Generally**. The Sections of this Article apply to all development activity that requires a recommendation or final decision from City staff or a Council, Commission, Committee, or Board denoted in DIVISION VI-2, *Bodies Established and Authorized.*

B. **Sequence of Development Approval**. Where more than one development review application is required by this CDO in order to initiate, continue, or complete development on the same property, administrative bodies shall make final decisions in the following sequence. An administrative body shall make final decisions on:

1. Legislative applications prior to final decisions on all other applications;
2. Quasi-judicial applications prior to final decisions on subdivision or administrative applications;
3. Subdivision applications prior to final decisions on administrative applications; and
4. Applications within the same category as Sec. 28-7-3, *Table of Permits and Approvals*, assign priority.

Sec. 28-7-3. Table of Permits and Approvals

A. **Generally**. Procedures for obtaining approval pursuant to this CDO are summarized in this Section.

B. **Applications and Procedures**. Each application or permit required by this CDO is spelled out in the below table.

Table 28-7-3
Table of Permits and Approvals

Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference[1]
				Recommendation	Final Decision	
Administrative Applications						
General Plan	All Planned Development, Site Plan, or Preliminary Subdivision Plat applications	Prior to submission of application for Planned Development, Site Plan, or Preliminary Subdivision Plat	Applications not subject to a General Plan requirement	Administrator	P&Z	Sec. 28-7-24

Table 28-7-3 Table of Permits and Approvals						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference[1]
				Recommendation	Final Decision	
Construction and Architectural Plans	All development subject to architectural design standards	Prior to any land development requiring conformance with architectural standards established in CDO	None	Building Official or Administrator		Sec. 28-7-16
Conditional Use Permits	The operation of any land use that is regulated by Conditional Use Standards per Sec. 28-2-16.	Prior to construction and permitting of any land use that is designated as a conditional use	None	Administrator		Sec. 28-7-17
Sign Permit	Installation or substantial modification of any permanent or temporary sign	Prior to installing or substantially modifying a sign	See Sec. 28-3-34, *Exempt Signs*	Administrator		Sec. 28-7-18
Site Plan	All new development, redevelopment, expansion, or substantial improvement for mixed-use, multi-family residential, and non-residential development types	Prior to issuance of a building permit	None	Administrator		Sec. 28-7-19

Table 28-7-3 Table of Permits and Approvals						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference[1]
				Recommendation	Final Decision	
Temporary Use Permit	The operation of any land use that is regulated by Temporary Use Standards per Sec. 28-2-19.D	Prior to construction and permitting of any land use that is designated as a temporary use	None	Administrator		Sec. 28-7-20
Legislative Applications						
Antennas and Towers	The installation and maintenance of towers and antennas	Following the approval of a building permit	None	Building Official	City Council	See Ch. 8, Article IV *Telecommunications Antennas and Towers* of City Code
Certificate of Appropriateness	Changes to the exterior of any building or structure of any contributing building as designated by either a historic district or historic landmark	Prior to any building or structure modifications or redevelopment where changes to the exterior appearance will occur	None	HPMC	P&Z	Sec. 28-7-22
Designation of Historic Property	The designation and inventory of significant historic, architectural, and cultural landmarks located within the City	Prior to the application for the designation of a historic property	None	HPMC	City Council	Sec. 28-7-23
Major Modifications	Major changes to an approved final plat	Prior to the construction or development that is within the area proposed to be modified	None	P&Z	City Council	Sec. 28-7-25

Table 28-7-3 Table of Permits and Approvals						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference[1]
				Recommendation	Final Decision	
Major Thoroughfare Plan Amendments	Changes to the City's Major Thoroughfare Plan	Prior to development of a subdivision where a proposed road would not be consistent with the Major Thoroughfare Plan.	None	P&Z	City Council	Sec. 28-7-26
Specific Use Permit	A new SUP or an amendment to an existing SUP	Prior to construction and permitting	None	P&Z	City Council	Sec. 28-7-27
Text Amendments	Text additions and changes to this CDO	Prior to amending the CDO	None	P&Z	City Council	Sec. 28-7-28
Zoning Map Amendments	Changing the zoning of a parcel from one district to another	Prior to a change in land use	None	P&Z	City Council	Sec. 28-7-29
Quasi-Judicial Applications						
Interpretations	Written interpretations by the Administrator of the provisions of this CDO	Prior to subsequent review and permitting	None	Administrator		Sec. 28-7-32
Variances	Deviation from the standards of this Chapter	Prior to or concurrent with submittal of a Site Development Plan, Building Permit, or Sign Permit	Prohibited uses shall not be allowed by variance.	Administrator	ZBA	Sec. 28-7-33
Appeals to Planning and Zoning Commission	Appeals from decisions of City Staff (Administrator, Building Official, etc.)	Within 30 days of a decision	None	Administrator	P&Z	Sec. 28-7-34
Appeals to Zoning Board of Adjustment	Appeals from decisions of the Planning and Zoning Commission	Within 20 days of a decision	None	Administrator	ZBA	Sec. 28-7-34

Table 28-7-3 Table of Permits and Approvals						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference[1]
				Recommendation	Final Decision	
Subdivision Applications						
Amending and Minor Plats	Subdivision of property; land development	Prior to developing a minor subdivision or making a minor modification to a recorded plat	All other plats	Administrator	P&Z[2]	Sec. 28-7-35
Final Plats	Subdivision of land and acceptance of public improvements	Prior to recordation and starting development	Minor Plats	P&Z	City Council	Sec. 28-7-36
Preliminary Plats	Subdivision of land and prior to submission of detailed construction drawings of all subdivision improvements	Prior to Final Plat submittal	Minor Plats	Administrator	P&Z	Sec. 28-7-37
Replats	The addition of lots or public rights-of-way to a recorded plat without prior vacation	N/A	None	P&Z	City Council	Sec. 28-7-38
Simplified Subdivision Plat	Subdivision of property into parts of one acre or greater where each part has public street access and no public improvement is being required	Prior to recordation and starting development	None	Administrator		Sec. 28-7-39
Vacation Plat	Returning a previously subdivided and recorded plat of land to a single unit of property	N/A	None	Administrator	P&Z	Sec. 28-7-40

[1] Cross-references are provided for convenience only and do not exempt the application from complying with all applicable standards of this Code, any other provision within the City's Code of Ordinances, or state law.

Table 28-7-3 Table of Permits and Approvals						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference[1]
				Recommendation	Final Decision	
[2] Only when the City Engineer does not approve an amending plat, minor plat, or replat, then the City Engineer shall submit the plat to the Zoning and Planning Commission and the procedures of Sec. 28-7-36, *Final Plats* or Sec. 28-7-37, *Preliminary Plats* shall apply.						

DIVISION VII-2: Review and Referral

Sec. 28-7-4. Pre-Application Conference

A. **Purpose**. The purpose of a pre-application conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.

B. **Applications Requiring a Pre-Application Conference**. Table 28-7-14, *Summary of Procedures*, denotes the development review applications that require a pre-application conference by including this Section number (28-7-4) in the "Procedure Reference" column.

C. **General Plan**. The applicant may submit a general plan established as a basis for discussion prior to or at the pre-application conference. The sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.

D. **Requested Submittals**. At or following the pre-application conference, the Administrator may request that the applicant provide additional materials at the time of application submittal as may be necessary to permit the informed exercise of judgment under the decision criteria for the application.

E. **Disclaimer**. Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.

F. **Continuing Review Process**. After the pre-application conference has occurred, applications that require such a conference may subsequently undergo the processes established in Sec. 28-7-5, *Filing of Application*.

Sec. 28-7-5. Filing of Application

A. **Generally.** Every application for development approval required by this CDO shall be submitted on a form approved by the responsible official, along with the corresponding application fee.

B. **Authorization to Initiate an Application**. Table 28-7-5, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Table 28-7-5 Application Authorization			
Application Type	Council or Commission	Property Owner[1]	Party Aggrieved by an Administrative Decision[1]
Administrative Applications	No	Yes	No
Legislative Applications	Yes	Yes	No

Table 28-7-5 Application Authorization			
Application Type	**Council or Commission**	**Property Owner[1]**	**Party Aggrieved by an Administrative Decision[1]**
Quasi-Judicial Applications	No	Yes	Yes
Subdivision Applications	Yes[2]	Yes	No

TABLE NOTES:
"Yes"= Entity may initiate application | "No" = entity may not initiate application
[1] Including his or her agent
[2] Vacating plat only

C. **Forms and Fees**. Every development review application required by this CDO shall be submitted in a format and in numbers established by the Administrator and shall include the corresponding application fee that is established by the Council.

1. *Form Updates*. The responsible official shall promulgate and periodically revise forms for each type of application required by this CDO.
2. *Information Required*. Application forms shall include specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the responsible official, and have the purpose of facilitating:
   a. The evaluation of applications for compliance with the standards of this CDO; and
   b. The administration of this CDO.

D. **Deadlines**. The Administrator may establish periodic application submittal deadlines.

E. **Continuing Review Process**. Complete applications shall subsequently undergo the processes established in Sec. 28-7-6, *Application Completeness*.

Sec. 28-7-6. Application Completeness

A. **Completeness Review**.

1. *Administrator Responsibility*. The Administrator shall review all development review submittals for completeness.
2. *Meaning of Completeness*. The Administrator shall deem complete a submittal that contains:
   a. All of the submittal information required in the application form;
   b. Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
   c. The application fee; and
   d. Any additional information that is necessary to demonstrate compliance with all of the applicable requirements of this CDO.

B. **Applications with Submittal Deadlines**. For application types that have an established submittal deadline, such as legislative, quasi-judicial, or subdivision applications, the completeness review and notification required in subsection A above, shall be accomplished no later than five business days after the specified submittal deadline.

C. **Applications without Submittal Deadlines**. For application types that do not have an established submittal deadline, such as administrative applications, the application completeness review and notification required in subsection A above, shall be accomplished no later than five business days from the date the application is submitted.

D. **Completeness Does Not Equate to Approval**. A determination of completeness does not mean that:

1. The contents of the submittal are accurate or that they comply with the standards of this CDO;
2. The application will receive a positive recommendation or final decision from the applicable administrative body; or
3. During the review, additional clarification or information will not be needed.

E. **Incomplete Applications**.

1. If the Administrator determines a submittal not to be complete, the Administrator shall:
   a. Notify the applicant in writing with a list of all missing or incomplete items; and
   b. Provide 10 business days for the applicant to resubmit the missing or incomplete items.
2. If the missing or incomplete items are not submitted within the 10-day period, then the Administrator shall deem the application rejected, shall not accept the application for filing, and shall make the submittal and application fee available to the applicant for retrieval. After the Administrator rejects an application, a new application and fee shall be required if the applicant wishes to apply again.
3. Incomplete or rejected applications are not considered "filed" or "submitted" for the purposes of Texas Local Government Code (TLGC) Chapter 212, TLGC Chapter 245, or for any other purpose.

F. **Continuing Review Process**. Complete applications shall subsequently undergo the processes established in Sec. 28-7-7, *Staff and DRC Review*.

Sec. 28-7-7. Staff and DRC Review

A. **Final Decision or Distribution**. After completeness determination, the Administrator shall provide a staff report, according to the review responsibilities of Table 28-7-14-1, *Summary of Procedures Table*:

1. *Review and Comment*. Review the application and provide comments to the applicant, which may include required revisions;
2. *Review and Decide*. Review and make a final decision on the application; or
3. *Distribute*. Distribute the application to the appropriate administrative body or outside agency, including, but not limited to, utilities and school districts, for recommendation or final decision.

B. **Required Revisions**.

1. *Comments*. During the application review, the Administrator may provide comments from administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with requested changes.
2. *Resubmittal*. Upon receipt of the resubmittal, the Administrator may refer the application to agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.

C. **Administrative Recommendation or Decision**. Promptly after submittal of a complete application that addresses the comments provided pursuant to subsection B above (or, after finding that no revisions are required):

1. *Administrative Applications*. If the application is for a review procedure addressed in DIVISION VII-3, *Administrative Applications*, then the City staff member denoted in Table 28-7-14, *Summary of Procedures Table*, shall approve, conditionally approve, or deny the application, as appropriate. Applications receiving approval may subsequently undergo the processes established in Sec. 28-7-9, *Inactive Applications*.
2. *Legislative, Quasi-Judicial, and Subdivision Applications*. If according to Table 28-7-10, *Required Notice*, the application requires a public meeting or public hearing prior to a final decision, then the applicable City staff member shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.

D. **Common Decision Criteria**. In addition to all other applicable provisions of this CDO, administrative bodies shall consider the provisions of Sec. 28-7-8, *Common Decision Criteria*, when making a recommendation or a final decision.

E. **Continuing Review Process**. Applications requiring a public meeting or hearing shall subsequently undergo the processes established in Sec. 28-7-10, *Public Notice and Public Meetings*.

Sec. 28-7-8. Common Decision Criteria

A. **Generally**. In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the basic review criteria denoted in Table 28-7-8, *Common Decision Criteria Applicability*. Additional decision criteria may apply and are enumerated in the specific review procedures within this Article.

B. **Applications Subject to Common Decision Criteria**. Table 28-7-3, *Table of Permits and Approvals*, denotes the development review applications subject to Common Decision Criteria by including this Section in the "Cross-Reference" column.

Table 28-7-8
Common Decision Criteria

Common Decision Criteria	All Applications[1]	Legislative Applications	Quasi-Judicial Applications[1]	Subdivision Review Applications
The request complies with the applicable standards of this CDO, the City Code, and any applicable county, state, or federal requirements.	Yes	No	No	No
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Conditional Use Permit, Preliminary Plat, Planned Development, or Site Plan.	Yes	No	No	No
The administrative body has considered the recommendation of Staff.	No	Yes	Yes	Yes

Table 28-7-8 Common Decision Criteria				
Common Decision Criteria	**All Applications[1]**	**Legislative Applications**	**Quasi-Judicial Applications[1]**	**Subdivision Review Applications**
The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.	No	Yes	Yes	Yes
The request promotes the purposes of this CDO as established in Sec. 28-1-3, *Purposes,* and in other applicable purpose statements in this CDO.	No	Yes	Yes	Yes
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.	No	Yes[2]	Yes	Yes
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.	No	Yes[2]	Yes	No

TABLE NOTES:
"Yes" = Common decision criteria applies for all applications.
"No" = Common decision criteria does not apply for all applications.
[1] Excluding Appeals of administrative decisions
[2] Excluding CDO Text Amendment

Sec. 28-7-9. Inactive Applications

A. **Generally**. Applicants shall diligently pursue the completion of development projects. This Section extinguishes applications that become inactive due to applicant inaction.

B. **Voiding of Inactive Applications**.

1. *Process to Inactivity*. An unapproved application becomes inactive after 45 days from receiving review comments if the applicant fails to completely address the City's comments and allow further processing of the application, unless the Administrator determines that the applicant is actively pursuing action to address such comments. If the Administrator makes such determination, then the application will become inactive 90 days after the date of receipt of the comments if the applicant fails to completely address the comments.
2. *Void*. Inactive applications will automatically expire and become null and void without further notice 30 days after the date when they became inactive if the applicant fails to take action or to request an extension of time.

C. **Extension of Time.**

1. Prior to the expiration of an inactive plat, the application may be extended for up to six months upon written request of the applicant for cause only; and

2. If the City amends this Chapter or adopts other regulations during the period of time when the application was inactive, the application shall:
   a. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
   b. The application shall be subject to the new regulations and ordinances if the period of time to request an extension lapses.
3. An inactive application shall expire after a six-month extension lapses and if an extension was not requested.

D. **Effect of Expiration**. Applications that expire pursuant to this Section are automatically null and void without further notice or action by the City.

Sec. 28-7-10. Public Notice and Public Meetings

A. **Generally**.
1. *Open to Public*. All public hearings shall be open to the public except as otherwise provided in Texas Local Government Code (TLGC) Chapter 551, *Open Meetings*. However, not all decisions require public hearings.
2. *Notice by Publication*. When required, shall be provided by publication in accordance with the requirements of the TLGC, Chapter 211.
3. *Notice by Mail.* When required, mailed notice shall be provided to each owner, as indicated by the most recently approved municipal tax roll of real property.
4. Table 28-7-10, *Required Notice*, sets out the specific notice requirement for each type of application where notice is required.
5. If the requirements of this CDO conflict with the requirements of the TLGC, the stricter requirement shall prevail.

B. **Applicability**. Public Notice of public hearings required by this CDO shall be provided as required by Table 28-7-10, *Required Notice.*

Table 28-7-10
Required Notice

Review Body	Type of Public Hearing	Types of Notice Required	
		Publication Notice	Mailed Notice
Historic Preservation & Museum Commission	Certificate of Appropriateness	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
	Designation of Historic Property	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
Planning and Zoning Commission	Major Modification (TLGC 211.006)	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing
	Planned Developments (TLGC 211.006)	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing

Table 28-7-10 Required Notice			
Review Body	Type of Public Hearing	Types of Notice Required	
		Publication Notice	Mailed Notice
	Specific Use Permits (TLGC 211.006)	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing[1]
	Text Amendments (TLGC 211.006)	Not less than 15 days prior to public hearing	--
	Zoning Map Amendments (TLGC 211.006)	Not less than 15 days prior to public hearing	Not less than 15 days prior to public hearing[1]
Zoning Board of Adjustments	Variances (TLGC 211.009)	Not less than 15 days prior to public hearing	Not less than 10 days prior to public hearing
	Appeals (TLGC 211.010)	Not less than 15 days prior to public hearing	Not less than 10 days prior to public hearing[2]

TABLE NOTES:

[1] To owners of property within 200 feet.
[2] TLGC 211.010(d) requires "due notice to the parties in interest". At a minimum, this shall include the original applicant and the persons who are the party to the appeal.

C. **Procedural Requirements for Notice**. Public notice of hearings shall be given as follow:

1. *Publication Notice*. Notice shall be published in an official newspaper of general circulation in the City as provided by state law.
2. *Mailed Written Notice*. The notice shall be in written form and sent to all owners of real property and shall be:
   a. Located within 200 feet of the subject property or within 200 feet of any other abutting property under the same ownership as the subject property;
   b. Measured from the perimeter of the property;
   c. Taken inclusive of public streets; and
   d. Served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, with the United States Postal Service (USPS).

D. **Posted Notice**. Notice of required Public Hearings shall also be provided by way of a sign located on the physical property that is the subject of the application as follows:

1. One sign shall be placed for each 200 feet of frontage along a public street, with a maximum of two signs required per frontage;
2. Signs shall be posted no more than 15 feet from the public right-of-way;
3. Signs shall be eight feet long by four feet tall;
4. Lettering on the signs must use a font that is readily legible and as large as possible given the amount of text necessary to fit on the sign; and
5. 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.

E. **Contents of Notice**. 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 contact point for additional information;
   f. The time, date and place where the application may be inspected by the public; and
   g. A statement that interested parties may appear at the public hearing and be heard with respect to the application.
2. *Posted Notice*. Signs posted for a public hearing shall at least indicate the action proposed to be taken, the contact point for additional information, and the date, time and place of the public hearing.

F. **Computation of Time**. In computing the time periods for notice, the day of mailing, publication, or posting shall not be counted, but the day of the public hearing shall be counted.

G. **Public Hearings**.

1. *Time of Hearing*. For all matters properly brought before the City Council or the Planning and Zoning Commission, the City shall select a reasonable time and place for such hearing provided; however, that such time shall be no later than 45 days following the submission of a complete application per Sec. 28-7-6, *Application Completeness*.
2. *Procedures*. Elected and appointed administrative bodies may adopt rules of procedure for the conduct of public hearings. The adopted rules of procedure shall reflect the following general procedures:
   a. Any person may appear at a public hearing, submit evidence, and be heard;
   b. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration;
   c. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent;
   d. Citizens, applicants, and the City have the right to present expert witnesses; and
   e. The Chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
3. *Attendance by Applicant at Public Hearing*. An applicant or representative is not required to attend the public hearing at which the subject application is to be considered; however, failure on the part of the applicant or representative to appear at a properly noticed public hearing may constitute grounds for a continuance on a certain new date or closing of the public hearing with public re-notification required.

H. **Decisions**.

1. *All Decisions*. A vote shall be conducted in such manner that the public may know the vote of each person entitled to vote, except when voice votes are authorized.

2. *Planning and Zoning Commission and City Council Decisions*. Except where this CDO or state statutes provide otherwise, official action requires the vote of a majority of the full City Council.
3. *Zoning Board of Adjustment (ZBA) Decisions*. In accordance with Texas Local Government Code Section 211.009, *Authority of Board*, official actions of the ZBA require the concurring vote of 75 percent of the number of regular members of the ZBA.

I. **Continuing Review Process**. Applications receiving approval at a public meeting or hearing may subsequently undergo the processes established in Sec. 28-7-9, *Inactive Applications*.

Sec. 28-7-11. Continuances and Withdrawals

A. **Continuances**. Requests for continuance of any proceeding called for in this CDO may be granted at the discretion of the administering body holding the meeting. If granted, the applicant shall pay all additional costs associated with the rescheduling of the proceeding.

B. **Withdrawal**. Any application may be withdrawn, either in writing or on the record during the proceeding before the recommendation or decision is made.

Sec. 28-7-12. Successive Applications

A. **Generally.** It is the policy of the City of Fulshear not to hear successive applications for the same approval after an application is denied. The limitations of this Section prevent the consideration of successive applications.

B. **Time Required Between Substantially Similar Applications.** The City shall not accept any application that is substantially similar to an application that was denied six months prior.

C. **Appeal.** The Administrator's determination that an application is substantially similar to a denied application is subject to administrative appeal.

Sec. 28-7-13. Fees

A. **Generally**. Every process and application established by this Chapter shall have a corresponding and appropriate application fee in accordance with the City's Schedule of Fees. All fees and charges are on file in the City Secretary's Office or the Planning, Inspection, and Enforcement Department.

B. **Schedule of Fees**. No permit, certificate, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses are paid.

C. **Exception.** No fees shall be charged to any government agency for work being performed by the employees of the agency.

D. **Periodic Review of Fee Schedule.** It is the intent of the City Council to periodically review and update the fee schedule. The Planning and Zoning Commission with input from the Administrator shall make a report and recommendation to the City Council with regard to the fee schedule at intervals of not more than two years. The City Council shall consider the report and initiate a revised fee schedule resolution as it considers appropriate.

Sec. 28-7-14. Summary of Review Procedures

Table 28-7-14, *Summary of Review Procedures* summarizes the review procedures involved in the development proposal process. Detailed information about general procedures and applications are further discussed in this article.

Table 28-7-14
Summary of Review Procedures

General Review Procedures	Procedure Reference	Administrative Applications	Legislative		Quasi-Judicial		
			CDO Text Amendment	All Others	Interpretation	Variance	Appeals
Pre-Application Conference	Sec. 28-7-4	No	No	No	No	Yes	Yes
Filing of Application	Sec. 28-7-5	Yes	No	Yes	No	Yes	Yes
Application Completeness	Sec. 28-7-6	Yes	No	Yes	No	Yes	Yes
Staff and DRC Review	Sec. 28-7-7	Yes	Yes	Yes	Yes	Yes	Yes
Common Decision Criteria	Sec. 28-7-8	Yes	Yes	Yes	Yes	Yes	Yes
Inactive Applications	Sec. 28-7-9	Yes	No	No	No	Yes	Yes
Public Notice and Public Meetings	Sec. 28-7-10	No	Yes	Yes	Yes	Yes	Yes
Continuances and Withdrawals	Sec. 28-7-11	No	No	Yes	No	Yes	Yes
Successive Applications	Sec. 28-7-12	Yes	No	No	No	Yes	Yes
Fees	Sec. 28-7-13	Yes	Yes	Yes	Yes	Yes	Yes

TABLE NOTES:
"Yes" = General Review Procedure Required; "No" = General Review Procedure Not Required

DIVISION VII-3: Administrative Applications

Sec. 28-7-15. Minor Plats or Amending Plats

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to Minor or Amending Plats.

B. **Purpose**.

1. *Minor Plat.* The purpose of a Minor Plat is to allow for the administrative approval of the subdivision of property into four or fewer lots if the subject property fronts on an existing public street with no need to dedicate new public right-of-way or extend public utilities.
2. *Amending Plat.* An Amending Plat is any plat meeting the definition in Texas Local Government Code (TLGC) Section 212.016.

C. **Specific Decision Criteria**.

1. *Review and Decision*. In determining whether to approve, approve with conditions, or deny a Minor or Amending Plat, the review bodies shall consider the applicable common decision criteria in Sec. 28-7-8, *Common Decision Criteria,* and the following:
   a. *Number of Lots*. The Minor Plat is proposed for the creation of four or fewer lots.
   b. *Existing Street*. Each lot in the Minor Plat has frontage on an existing public street without the need for the creation or extension of a new public street.
   c. *Existing Utilities*. Existing public utilities of adequate capacity serve the entirety of the subject property in the Minor Plat without the need for extension.
   d. *TLGC Reference*. The purpose of the Amending Plat is solely one or more of those listed in TLGC Section 212.016.
2. *Affirmative Findings*. In order to approve a Minor Plat, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

Sec. 28-7-16. Construction and Architectural Plans

A. **Administrative Review**. For all proposed development of land that is subject to the architectural design standards in this CDO, the Building Official or Administrator shall determine that the development will be consistent with the purposes of this CDO and the City's adopted comprehensive plan and will comply with all applicable architectural design standards.

1. *Appeals*. Applicants may appeal interpretations and decisions made by the Building Official or Administrator under this section to the Board of Adjustment as provided in Sec. 28-7-34, *Appeals*.
2. *Variances*. Applicants may request that the Board of Adjustment approve a variance from any of the applicable architectural design standards in Division III-1, *Building and Site Design*, and in accordance with the criteria for variances in Sec. 28-7-33, *Variances*.
3. *Alternative Standard of Compliance*. An applicant may propose, and the Planning and Zoning Commission shall consider and approve, disapprove, or approve with conditions, an alternative standard of compliance for any aspect of the architectural design standards if the Commission determines that:
   a. The alternative standard substantially complies with the purposes and intent of this CDO;
   b. The alternative standard will yield a development outcome that satisfies or exceeds the minimum objectives of this CDO in terms of the quality appearance and durability of buildings and other structures subject to the architectural design standards; and
   c. The alternative standard is in the best interest of the general public.

B. **Applications**. Applicants proposing development of land that is subject to the architectural design standards in this CDO shall, if not already required to do so by this CDO, submit:

1. *Copies*. A minimum of two copies of full-size, twenty-four inch by thirty-six-inch (24" × 36") plan sets and one electronic format in either PDF or CAD file format shall be submitted and presented in a format typically produced by a registered professional architect. The number of copies submitted shall be eight if review by the Planning and Zoning Commission is necessary.
2. *Elevations*. Elevations of all proposed buildings and other structures viewed from all sides indicating the:
   a. Elevation dimensions and any attached or projecting elements such as canopies or awnings;
   b. Any required building wall offsets or other wall or roofline articulation; and
   c. Special design or decorative features on an elevation.
3. *General Plan Map*. A General Plan map for the development site that illustrates the:
   a. Proposed location and orientation of all buildings and structures;
   b. Location of any proposed parking structure or multiple principal buildings; and
   c. Location and dimensions of any planned outdoor public spaces or other functional open space between or near the buildings, including the relationship between such spaces and the principal buildings including their respective building entries.
4. *Material Information*. Information on proposed materials and other design details relevant to the architectural design standards in this CDO shall be provided to the Building Official or City Manager, with accompanying illustrations as appropriate for:
   a. Roofs;
   b. Canopies and awnings; and
   c. Carports.
5. *Screening*. Compliance with screening requirements related to the architectural design standards, when landscaping is to be installed to satisfy such requirements, shall be demonstrated through the landscaping requirements in Sec. 28-3-23, *Landscaping Requirements,* or in accordance with Sec. 28-3-28, *Screening and Fencing* if a solid wall is to be installed for screening purposes.

C. **Additional Documentation**. Applicants are encouraged to submit any other documentation or detail that will assist in confirming compliance with all applicable requirements of the architectural design standards. The Building Official, Administrator, or the Planning and Zoning Commission for matters subject to its review, may request additional information or documentation that may be reasonably required to make an informed determination or to resolve questions of compliance with the architectural design standards.

Sec. 28-7-17. Conditional Use Permits

A. **Generally**. A Conditional Use Permit is an administrative procedure whereby the Administrator verifies that conditional, as denoted in each zoning district in Division II-2, *Zoning Districts*, complies with the requirements of this CDO, particularly the requirements of Sec. 28-2-16, *Conditional Use Standards*. A Conditional Use Permit may be issued simultaneously with Building Permits or other required permits.

B. **Purpose**. The purpose of a Conditional Use Permit is to ensure that a use which is generally compatible with permitted uses in a given zoning district but limited by operating or physical characteristics, can be considered for approval with certain conditions placed on the use as denoted in Sec. 28-2-16, *Conditional Use Standards*.

C. **Applicability**. An application is required for the establishment of a new conditional use, a change to a conditional use, or the expansion of a conditional use that has not been approved.

D. **Criteria**. In determining whether to approve, approve with conditions, or deny a Conditional Use Permit, the Administrator shall consider the provisions of Sec. 28-7-8, *Basic Review Criteria*, together with a determination from the Administrator that the use complies with its associated specific standard in Sec. 28-2-16, *Conditional Use Standards.*

E. **Decision**. The Administrator may approve, approve with conditions, or deny a Conditional Use Permit. The decision of the Administrator may be appealed to the Board of Adjustment.

F. **Effect**. Upon issuance of a Conditional Use Permit and Building Permit issuance, construction may proceed. Failure to diligently pursue completion may subject the permit to the provisions of Sec. 28-7-9, *Inactive Applications*.

Sec. 28-7-18. Sign Permit

A. **Generally**. It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any sign, including the face or other integral part thereto, or to thereafter make use of a sign without having first obtained a sign permit from the city, except as otherwise provided in this chapter.

B. **Permit Exemptions**. A sign permit is not required to:

1. *Demolition*. Removal of a sign if the applicant obtains a Demolition Permit for the structure on which the sign is mounted;
2. *Maintenance*. Repaint a sign or to restore a sign to its original condition if the sign otherwise complies with this chapter; or
3. *Changing Copy*. Periodically change only the letters, numbers or message portion of a lawful sign specifically designed for that purpose.

C. **Application and Permits**. The application for a sign permit, together with an application fee in the amount on file in the city secretary's office, shall be submitted on such forms provided by the city and must be accompanied by the information, drawings and descriptive data required by the building official to ensure proper regulation of the sign and the ensure compliance with this CDO. The permit application fee required by Sec. 28-7-13, *Fees,* shall not be required for noncommercial signs, but noncommercial signs shall comply with this chapter in all other respects.

D. **Issuance of Permits**. If the plans and specifications for a sign set forth in any application for a permit conform to all of the requirements of this chapter, and any other applicable city regulations, the building official shall issue the appropriate permit.

E. **Duration**. Unless earlier revoked, a sign permit to construct, erect, locate, or place is valid for 180 days from the date of issuance.

Sec. 28-7-19. Site Plan

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to Site Plans.

B. **Purpose**. The purpose of a Site Plan is to ensure that applicable developments comply with all development and design standards of this CDO and, if applicable, with the approved Master Development Plan or Conditional Use Permit for the subject property.

C. **Exemptions**. The following activities shall not require a Site Plan:

1. *Residential*. Construction of single- or two-family residence in an improved subdivision or on an unplatted parcel; and

2. *Emergencies*. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

D. **Applicability**.

1. Prior to development of any use or structure other than single-family (excluding Manufactured Homes), duplex, or townhouse residential development, a site plan shall be approved by the City in accordance with this Section.

2. No development described in subsection(D)(1) above, shall be lawful or permitted to proceed without final site plan approval. A site plan approved as part of a conditional use permit shall be considered a site plan approval.

E. **General Requirements**. All improvements reflected on approved site plans must be constructed at the time of development. All terms and conditions of site plan approval must be met at the time of development.

F. **Application Requirements**. A complete application for site plan approval shall be submitted to the Administrator as set forth in Sec. 28-7-6, *Application Completeness*. The application shall include a landscape plan illustrating compliance with the requirements of Division III-3, *Buffering, Landscaping, and Screening*.

G. **Site Plan Approval Process.** Site plan review applications shall be processed in accordance with the following requirements:

1. *Pre-Application Conference*. Prior to the submission of an application for site plan approval, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with and for the purposes as set forth elsewhere in this CDO for pre-application conferences.

2. *Final Action by the Administrator*. If the proposed site plan is determined to be consistent with all applicable provisions of this CDO, the Administrator shall approve or conditionally approve the site plan. A determination that all such requirements and provisions have not been satisfied shall result in disapproval of the site plan and notice of such disapproval shall be given to the applicant in writing. Conditional approval must entail corrections or changes that are ministerial and explicitly spelled out.

H. **Site Plan Review Criteria**. The Administrator may request changes to the site plan to accomplish the following requirements. In order to be approved, a site plan must provide for:

1. Safe and convenient traffic control, handling, and vehicle queuing;

2. Assured pedestrian safety which may include the provision of sidewalks along the perimeter of the property;
3. Efficient and economic public utilities;
4. Public road or street access;
5. Safe and efficient internal access including public, private, or emergency;
6. Adequate parking and maneuvering areas;
7. Noise and emission control or dispersion that complies with Chapter 18, *Environment*, of the City's Code of Ordinances;
8. Runoff, drainage, and flood control;
9. Visual screening of areas offensive to the public or adjacent developments such as detention areas, retaining walls, utilities and solid waste facilities;
10. Compliance with ARTICLE IV, *Subdivision Regulations*;
11. Clear indication of what constitutes the building plot for purposes of signage; and
12. Location and density of buildings or dwellings where topography or characteristics of the site compel a lower density than would otherwise be allowed, or require location consistent with accepted engineering practices and principles.

I. **Appeal**.

1. *Timing of Submittal*. Appeals of site plans denied by the Administrator where the denial was based upon or condition imposed to assure compliance with the Site Plan Review Criteria described above, shall be submitted to the Board of Adjustment within 20 days of the decision. If no appeal is filed within 20 days, the decision shall be final.
2. *Authority*. The Board of Adjustment shall have the same authority as the Administrator in reviewing the site plan and taking final action. The Board may impose reasonable site-related conditions to mitigate the impacts of the development; however, they shall not impose architectural changes unless otherwise provided for in this CDO.

Sec. 28-7-20. Temporary Use Permit

A. **Generally.** Temporary Use Permits are required for the temporary uses of model homes, containers, and temporary sales trailers.

B. **Model Homes.**

1. *Bond.* Applicant shall post a $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.
2. *Building Permit.* 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.

3. *Impact on Utilities.* 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.
4. *Permit Duration*. Model home permits shall be valid for no longer than three years or eighty percent development build out.
5. *Permit Extension.* An applicant may file a request for an extension upon a showing that the model home is still needed past the initial time period.

C. **Containers.**
1. *Permit Duration.* Containers are permitted for no longer than six months.
2. *No Permit Extension*. There is no extension of time that can be granted for this temporary use.

D. **Temporary Sales Trailers.**
1. *Permit Duration.* Temporary sales trailers are permitted no longer than 12 months.
2. *Permit Extension*. An applicant may file a request for an extension upon showing that the temporary sales trailer is still needed past the initial time period.

DIVISION VII-4: Legislative Applications

Sec. 28-7-21. Antennas and Towers

See Chapter 8, Article VI of the City's Code of Ordinances.

Sec. 28-7-22. Certificate of Appropriateness

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to Certificates of Appropriateness as it pertains to properties that have a historic designation per Sec. 28-7-23, *Designation of Historic Property*.

B. **Purpose**. The purpose of the Certificate of Appropriateness review is to ensure that no person carries out demolition, alteration, or reconstruction of any contributing structure on a historic property or district designated by the Historic Preservation and Museum Committee. Certificate of Appropriateness approval is required in addition to, and not in lieu of, any required Building Permit.

C. **Exemptions**. The following activities are exempt from the requirements of this Section:
1. *Unfit for Occupancy*. Demolition of a contributing structure that the Building Official deems "unfit for human occupancy";
2. *Ordinary Maintenance*. Ordinary maintenance on any structure that does not involve demolition, alteration, or reconstruction; and
3. *Non-Contributing Structure*. Demolition, alteration, or reconstruction of a building that the Administrator deems as non-contributing.

D. **Application**. The Administrator shall provide application forms for a Certificate of Appropriateness. The applicant shall submit a complete application including all applicable documents and fees to the Administrator.

E. **Review of Application**. The Administrator shall review the submitted application and all documents and determine if additional information is required. Upon receiving all information necessary to constitute a completed application in accordance with Sec. 28-7-6, *Application Completeness*, the Administrator shall handle the application administratively, if allowed, or forward the application to the Historic Preservation and Museum Commission for consideration at its next regularly scheduled meeting, unless a special meeting is called.

F. **Review by Historic Preservation and Museum Commission.** The Commission shall conduct a public hearing and consider an application if it is required or requested to hear following receipt of a complete application by the Administrator and after the Administrator provides the Commission any review comments or questions. Applicants may appear before the Commission in person or by agent and shall furnish the Administrator all plans, specifications, drawings, renderings, and designs necessary for the Commission to render a final decision.

G. **Specific Decision Criteria**. In determining whether to approve, approve with conditions, or deny a Certificate of Appropriateness, the Commission shall consider the applicable common decision criteria in Sec. 28-7-8 and the following:

1. *Historic Use or Minimal Change*. The property is used as it was historically or will be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. *Historic Character of Property*. The historic character of a property is retained and preserved. The applicant has avoided proposing the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property.
3. *Distinctive Features*. The applicant has proposed to preserve distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property.
4. *Repair and Replacement*. The applicant has proposed to repair rather than replace deteriorated historic features. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials. The applicant has substantially documented the replacement of missing features.
5. *Gentlest Means*. The applicant has undertaken chemical or physical treatments, if appropriate, using the gentlest means possible, without using treatments that cause damage to historic materials.

Sec. 28-7-23. Designation of Historic Property

A. **Purpose**. The purpose of this Section is to:

1. Promote the economic, cultural, educational, and general welfare of the City by protecting, enhancing, and ensuring the continuation of properties of historic and cultural significance;
2. Preserve, protect, and enhance historically, culturally, architecturally, and archeologically significant sites and structures which represent a distinct aspect of the City and serve as reminders of the City's culture and heritage;
3. Promote the economic prosperity and welfare of the community by conserving the value of historic properties and encouraging the most appropriate use of such property within the City;
4. Strengthen civic pride through historic preservation;

5. Provide a review process for the appropriate preservation and development of important cultural, architectural, archeological, and historical resources;
6. Maintain a generally harmonious outward appearance of both historic and non-historic structures; and
7. Establish criteria and procedures for data collection and identification of resources as set forth in special studies.

B. **Properties with State or Federal Designation**. Properties that are listed as a Texas Historic Landmark (THL), State Archeological Landmark (SAL), or listed on the National Register of Historic Places (NRHP) shall automatically be recognized as a local historic property.

C. **Properties without State or Federal Designation.** Properties without a state or federal may be recommended to the City Council for designation by the Historic Preservation and Museum Commission (HPMC) through its own initiative or upon a petition from any person, group, or association, or upon the request of the City Council to conduct studies for the identification of individual historic properties and/or districts.

D. **Decision Criteria.**
1. *Individual Properties*. An individual historic property may be designated if it is at least 50 years old and it substantially complies with two or more of the following:
   a. Possesses significance in history, architecture, archeology, and culture;
   b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
   c. Is associated with events that have made a significant impact in the City's past;
   d. Represents the work of a master designer, builder, or craftsman;
   e. Embodies the distinctive characteristics of a type, period, or method of construction; or
   f. Represents an established and familiar visual feature of the City.
2. *Historic Districts*. A historic district may be designated if it substantially complies with both of the following:
   a. The district contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, as set out in subsection C, *Applicability*, above; and
   b. The district constitutes a distinct section of the City.

E. **Procedure.**
1. *Generally*. The procedure for designating an individual historic property or to establish or amend the boundaries of a historic district may be initiated by the City, by the individual property owner(s), or by at least 20 percent of the residents of the potential district.
2. *Criteria*. Buildings, structures, sites, or areas located within the City which substantially comply with the criteria set out in subsection C, *Applicability*, above, above, may be recommended to the City Council as landmarks or districts by the HPMC.
3. *Application*. An application for Determination of Significance shall be made on a form approved by the Administrator, and shall be filed with the designated staff serving as the recognized Historic

Preservation Officer (HPO) along with fees in accordance with the City fee schedule, as may be amended from time to time. The application shall contain:

a. Name, address, telephone number of the applicant, and physical address of the individual property (if applicable);

b. Name, address, telephone number of the applicant, and signed petition of at least 20 percent of the residents of the proposed district (if applicable);

c. Site plan of the individual property or map indicating the geographic boundaries of the proposed district showing all affected buildings and/or structures;

d. Detailed description and background on the property or district;

e. Current photographs of the overall property or district along with any available historical photographs; and

f. Any other information which the HPO or subsection C, *Applicability*, above HPMC may deem necessary.

4. *Notice*.

a. Upon receipt of a completed application for Determination of Significance, the HPO shall schedule a hearing at the next available regularly scheduled HPMC meeting.

b. Notice of the application shall be mailed to the property owner(s) and posted on the property by the HPO for a minimum period of 14 days prior to the scheduled hearing.

c. A published notice of the scheduled hearing shall also be made in accordance with Section 28-7-10, *Public Notice and Public Meetings*.

d. Notice of applications for proposed districts shall be mailed to each affected owner and posted in at least four separate locations that are visible from the public rights-of-way at its external boundaries for a minimum period of 14 days prior to the scheduled hearing.

5. *Review*. An individual property or district that is under review by the HPMC for a formal Determination of Significance shall be protected by and subject to all of the provisions of regulations governing demolition, minimum standards, and penalties until a final decision by the City Council becomes effective.

6. *Hearing*. At the hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance or insignificance of the subject property or district. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of the record. The burden of proof shall be upon the applicant.

7. *Recommendation from HPO*. The HPO may recommend action to approve, approve with conditions, postpone requesting additional information, or deny the application. The HPO shall forward any final recommendation to the HPMC within 30 days of the hearing.

8. *Recommendation from HPMC*. The HPMC shall give notice and conduct its hearing upon receipt of the recommendation from the HPO. Notice for such hearing shall be in the same manner as subsection (E)(4), *Notice,* above. The HPMC shall review the application and forward its recommendation to the City Council within 30 days after taking action on the application. Recommendations of denial by the HPMC may be appealed directly to the City Council according to the regulations set out in Sec. 28-7-34, *Appeals*.

9. *City Council Notice and Decision*. Upon receipt of the joint recommendation on the application from the HPO and the HPMC, the City Commission shall schedule a hearing on the application within 30 days. Notice from such hearing shall be in the same manner as subsection (E)(4), *Notice,* above. Significance shall be considered only on the record made before the HPO and the HPMC.

10. *Landmark or District Designation*. Upon designation of a landmark or district by the City Council, the designation shall be recorded by a legal description on the City's maps, in the records of real property of Fort Bend County, and with the Fort Bend County Central Appraisal District office.

F. **Decision**. The Historic Preservation and Museum Commission shall recommend and the City Council shall approve, approve with conditions, or deny the designation of a local historic property or district.

G. **Effect of Designation**. In accordance with this subsection, no designation of a historic landmark or district shall become effective unless and until the HPMC has conducted a public hearing, deliberated the merits of designation, and submitted its report and recommendations to the City Council and the City Council has held a public hearing and resulting in an approval of the designation by the City Council.

Sec. 28-7-24. General Plan

A. **Purpose**. The purpose of the General Plan is to provide a conceptual plan to both the Administrator and the Planning and Zoning Commission (P&Z) representing a general design and phasing of development of a site.

B. **Applicability.** A General Plan shall be required as a prerequisite to a preliminary plat. See Sec. 28-7-37, *Preliminary Plats*.

C. **General Plan Approval Process**.

1. *Pre-Application Conference*. Prior to submitting a General Plan, applicants are encouraged to schedule and attend an optional pre-application conference in accordance with and for the purposes as set forth Sec. 28-7-4, *Pre-Application Conferences*.

2. *Review and Recommendation by the Administrator.* The Administrator shall review the General Plan in conformance with the procedures established in DIVISION VII-2, *Review and Referral*.

3. *General Plan Requirements.* A General Plan shall not be considered or reviewed as a complete site plan application.

   a. *For development less than or equal to 50 acres:* The General Plan for the proposed development shall include the following:

      i. Buffer areas or a statement indicating buffering proposed;

      ii. Open spaces, parkland, conservation areas, greenways, parks, trails and other special features of the development;

      iii. The general location of building and parking areas;

      iv. If general bulk or dimensional variations are sought, provide a list of community benefits and/or innovative design concepts to justify the request;

      v. A list of general bulk or dimensional variations sought;

      vi. The general location of detention/retention ponds and other major drainage structures;

vii. A written statement addressing the drainage development of the site;

viii. A range of proposed building heights; and

ix. A general plan showing the location and relationship of the various land uses permitted in the development.

b. *For development greater than 50 acres:* The requirements of the General Plan shall be the same as for developments of less than 50 acres as listed above in subsection D(3)a except that the general location of buildings and parking areas is not applicable.

4. *Review Criteria*. The Administrator shall recommend approval of a General Plan if it finds that the plan meets the following minimum requirements and criteria:

a. *Minimum Requirements.* The minimum requirements for each development shall be those stated in this CDO for subdivisions and the requirements of the most restrictive standard zoning district in which designated uses are permitted unless the development is being submitted pursuant to Sec. 28-7-31, *Development Agreements*.

b. *Minimum Criteria*.

i. The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;

ii. The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section;

iii. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development;

iv. Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowner's association;

v. The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities;

vi. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity; and

vii. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

D. **General Plan Amendments.** Any proposed amendment to a general plan shall be submitted in accordance with the same process as specified in this Section.

Sec. 28-7-25. Major Plat Modifications

A. **Generally.** Major modifications of a plat are any modifications that are not considered minor and meet the following criteria to be deemed "major":

1. The approved residential density will increase by more than five percent;
2. The gross floor area of a non-residential or mixed-use will increase by more than 10 percent;
3. A change to an approved use category is proposed;
4. A change in housing type is proposed within 500 feet of an adjacent property not within the site plan or master development plan;
5. Open space will decrease by more than five percent or will be altered in a manner that changes the character of development;
6. Substantial change is proposed to the grading, traffic circulation, or drainage plans;
7. Changes will be made to the configuration of structures or the relationship of structures to the street or adjacent properties; or
8. Parking, loading, and stacking areas are reconfigured or will reduce the number of spaces.

B. **Applicability**. Application for a major modification is required to substantially alter, change, or modify a site plan for any master development plan including the following development types:
1. Conventional;
2. Planned;
3. Preliminary Plat;
4. Final Plat;
5. Site Plan; and
6. Mixed-Use.

C. **Application Procedure and Materials for Major Modifications.** Applications for a major modification shall require, at a minimum, the following information:
1. A copy of the plat proposed to be modified;
2. A sketch drawing that includes enough detail to show the context of the subdivision with respect to abutting property within 300 feet of any lot line;
3. A proposed plat containing the proposed parcel or lot lines, which demonstrates compliance with this CDO; and
4. If site drainage is affected by the modification, a drainage plan.

D. **Criteria**. In determining whether to approve, approve with conditions, or deny a major modification of an approved plan, the review bodies shall consider the provisions of Sec. 28-7-8, *Common Decision Criteria*, together shall consider whether the proposed modifications are:
1. Necessary because of changed or changing conditions on or adjacent to the property or are warranted because of the nature of such conditions;
2. Fairly applied such that no special benefit is conferred that would not otherwise be conferred on other properties with similar conditions;
3. Consistent with the nature of development and the density or intensity of land uses originally approved; and

4. Likely to result in a relative gain to the public health, safety, or welfare of the community.

E. **Decision.** Following the public notice and hearing procedures in Sec. 28-7-10, *Public Notice and Public Meetings*, the Council may approve, approve with conditions, or deny the application for a major modification.

F. **Effect**.
1. *Approval*. Upon approval of a modified plan, the City may issue building and other permits for development, construction, and other work in the area encompassed by the approved plan; provided, that no permits shall be issued unless the appropriate official is satisfied that all conditions or approval and the requirements of this CDO have been met.
2. *Denial*. If denied, the applicant may proceed with the site plan or final plat as originally approved.

Sec. 28-7-26. Major Thoroughfare Plan Amendments

A. **Generally.** The City Council may amend the roadways designated for the Major Thoroughfare Plan (MTP) in accordance with the procedures set out in this Section, as well as procedures in Division VII-2, *Review and Referral*, to:
1. Implement the Comprehensive Plan, as may be amended from time to time;
2. Conform to state or federal legal requirements;
3. Address changing or changed conditions; or
4. Advance the public health, safety, and welfare of the City.

B. **Proposal to Amend**. An application for an amendment to the MTP may be proposed by the mayor, a member of the City Council, the Administrator, a member of the general public, or a developer.

C. **Property Owner Notification**.
1. *Developer of Member of the Public Initiated Change*. When a developer or a member of the general public submits an application requesting an amendment to the MTP, said developer or member of the general public is responsible for notifying any property owner affected by the proposed change.
2. *City Initiated Change*. When the Mayor, City Council member, or the Administrator submit an application requesting an amendment to the MTP, the City is responsible for notifying any property owner affected by the proposed change.

D. **Approval Authority**. The City Council has the authority to determine whether an MTP amendment is modified. This shall be preceded by a recommendation of whether to approve or deny the application from the City's Planning and Zoning Commission (P&Z).

E. **Minor Amendment Approval**. Decisions concerning the following may be by the Administrator without approval by the City Council:
1. Interpretation of the meaning of a specific portion of the MTP; or
2. The correction of a clear scrivener's error.

F. **Decision Criteria**. The decision to whether to amend the MTP map is a matter of 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 MTP amendment, the City Council shall consider the following factors:
1. *Consistency with CDO*. Whether and the extent to which the proposed amendment would conflict with any portion of this CDO.

2. *Changed Conditions*. Whether and the extent to which there are changed conditions that require an amendment.
3. *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.
4. *Community Need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.
5. *Comprehensive Plan*. Whether and the extent to which the proposed amendment is compatible with the vision set forth in the City's Comprehensive Plan.

Sec. 28-7-27. Specific Use Permit

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to Specific Use Permits.

B. **Applicability**. A Specific Use Permit is required to:

1. Grant identified land uses in each zoning district to ensure that the use will be compatible with surrounding land uses and appropriate at the proposed locations as set out in Division II-2, *Zoning Districts*; or
2. Convert a nonconforming land use to become conforming per Division V-3, *Conversion of Nonconformities*.

C. **Submittal Requirements**. The applicant shall submit the following minimum information in order to apply for a Specific Use Permit:

1. Completed application and the application fee per Division VII-2, *Review and Referral*;
2. The street address, location, legal description of the property affected, or a certified boundary survey, plat, or site development plan of land area subject to the Specific Use Permit;
3. A statement explaining the rationale for the Specific Use Permit relative to the approval criteria of Sec. 28-2-17, *Specific Uses*, and if applicable, Division V-3, *Conversion of Nonconformities*; and
4. Any plans, operating data, and expert evaluation to explain the proposed use and to demonstrate why the Specific Use Permit, if granted, would be compatible with surrounding development

D. **Staff Review Process**. The Administrator shall formulate a staff report and recommendation based on the applicable standards of either Sec. 28-2-17, *Specific Uses* or Division V-3, *Conversion of Nonconformities*.

E. **Review by the Planning and Zoning Commission (PZC).**

1. *Public Meeting.* The City shall satisfy the notification requirements and the PZC shall conduct a public meeting as established in Sec. 28-7-10, *Public Notice and Public Meetings*.
2. *Consideration*. Upon conducting a public meeting, the Commission shall consider and review the staff recommendation and will formulate a recommendation for City Council consideration.

3. *Conditions*. The PZC may establish conditions of operation, location, arrangement, or other aspects of the land use deemed to be in the public interest and/or to assure compatibility with surrounding development.

4. *Denial*. If the Commission recommends denial, the Commission shall adopt findings of fact citing specific approval criteria that were not satisfied.

F. **Criteria for Decision**. Specific Use Permits may not be granted unless the PZC determines by written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the Specific Use Permit will not:

1. Be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located;
2. Not impair an adequate supply of light or air to adjacent property;
3. Substantially increase the congestion in the public streets;
4. Increase the danger of fire;
5. Endanger the public health, safety and well-being; or
6. Substantially diminish or impair property values within the neighborhood.

Sec. 28-7-28. Text Amendments

A. **Generally.** The City Council may amend the text of this CDO in accordance with the procedures set out in this Section, as well as procedures in Division VII-2, *Review and Referral*, to:

1. Implement the Comprehensive Plan, as may be amended from time to time;
2. Conform to state or federal legal requirements;
3. Address changing or changed conditions; or
4. Advance the public health, safety, and welfare of the City.

B. **Purpose**. The purpose of a CDO text amendment is to change the text of this CDO.

C. **Authority**. The City Council may, after recommendation of the Planning and Zoning Commission (P&Z), adopt an Ordinance amending the text of this CDO or the boundaries of the official zoning map upon compliance with the provisions of this section.

D. **Initiation**. An application for an amendment to the text of this CDO may be proposed by the mayor, a member of the City Council or the Administrator.

E. **Public Hearing**. After receiving the final report of the P&Z, the City Council shall, after due notice, conduct a Public Hearing on the proposed amendment in accordance with Texas Local Government Code (TLGC), Chapter 211, or other applicable law. 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. **Decision Criteria**. The wisdom of amending the text of this CDO 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 CDO*. Whether and the extent to which the proposed amendment would conflict with any portion of this CDO.
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.

G. **Referral to P&Z**. Instead of making a final decision on the proposed amendment, the City Council may refer the proposal back to the P&Z for further consideration for a period not to exceed 90 days from the date of referral.

H. **No Retroactive Cure of Violations**. The amendment of the text of this CDO may transform a legally nonconforming situation into a conforming one. However, no text amendment shall be for the sole purpose of curing a violation of any part of this CDO.

Sec. 28-7-29. Zoning Map Amendments

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to Zoning Map Amendments.

B. **Purpose**. The purpose of a Zoning Map Amendment is to change the zoning district of property on the official zoning map from one zoning district to another.

C. **Authority**. The City Council may, after the recommendation of the Planning and Zoning Commission (P&Z), adopt an ordinance amending the boundaries of the official zoning map upon compliance with the provisions of this section.

D. **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 Manager, the City Engineer or a qualified applicant for a proposed development.

E. **Public Hearing**. After receiving the final report of the P&Z, the City Council shall, after due notice, conduct a Public Hearing on the proposed amendment in accordance with Texas Local Government Code (TLGC), Chapter 211, and the provisions in Sec. 28-7-10, *Public Notice and Public Meetings*. 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. **Specific Decision Criteria**. In determining whether to approve, approve with conditions, or deny a Zoning Map Amendment, the review bodies shall consider the applicable common decision criteria in Sec. 28-7-8, *Common Decision Criteria,* and the following:

1. *Compatibility*. The range of uses and the character of development that is allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property and would not constitute a "spot zoning".
2. *Property Dimensions*. The subject property has sufficient dimensions to accommodate reasonable development that complies with the requirements of this CDO, including parking and buffering requirements.
3. *Need*. The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property suggests a need for the proposed zoning district in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development.
4. *Changed Conditions*. The character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues.
5. *Comprehensive Plan.* The rezoning is necessary to allow a land use not anticipated by either this CDO or Comprehensive Plan.
6. *Effect on Natural Environment*. Whether and the extent to which the proposed amendment would not result in significant 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.
7. *Benefit to Community*. There will be benefits derived by the community and in the area where the amendment is proposed.

G. **Additional Conditions**. A request for a Zoning Map Amendment may be conditioned upon adherence to an applicant's Site Plan, which may limit the uses on or design of the site. The Site Plan may be processed concurrently with the rezoning request and may be approved, approved with conditions, or denied in accordance with Sec. 28-7-19, *Site Plan*.

H. **Planning and Zoning Commission Action.**

1. The P&Z shall hold a public hearing prior to taking action on the proposed zoning map amendment; and
2. The Commission shall make a recommendation regarding the proposed amendment to the City Council.

I. **City Council Action.** The City Council shall receive a recommendation from the P&Z prior to making a determination on whether or not an application will be granted.

Sec. 28-7-30. Planned Unit Developments

A. **Purpose**. Planned Unit Developments (PUD) exist to provide for a greater amount of flexibility in the mixing of compatible uses and the location and type of structures for those uses while setting aside perpetual common open space and facilities for owners, occupants, and customers in future PUD zones.

B. **Applicability.**

1. *Generally*. All PUDs approved after the effective date of this CDO shall meet the requirements of this section.

2. *Zoning Map Amendment*. All property that obtains a PUD designation must be rezoned through the legislative process of Sec. 28-7-29, *Zoning Map Amendments*, in addition to the requirements of this section.
3. *Prohibition on Zoning Map Amendment from Estate Residential to PUD*. No property that is zoned Estate Residential (ER) shall be eligible to be have a zoning map amendment approved from ER to PUD.

C. **Standards**.

1. *Permitted Uses*. The applicant may propose any mixture of land uses, including permitted, limited, conditional, accessory, and temporary uses set out in this Article provided such proposed uses are consistent with the City's Comprehensive Plan.
2. *District Size*. All PUDs shall be at least five acres.
3. *Dimensional Standards*. Dimensional standards including front, rear and side yard setbacks, and structure height should be consistent with the adjacent properties, but may be altered for a specific site as proposed by the applicant and approved as part of the adopted site plan.
4. *Signs*. The applicant may propose a master signage plan to become part of the PUD. See Sec. 28-3-36, *Master Signage Plans*.
5. *Parking*. Off-street parking and loading areas will be provided for all uses within a PUD in accordance with the requirements of DIVISION III-2, *Parking, Loading, and Access*.
6. *Setbacks.* All setbacks and locational requirements as defined for each land use and the distance between specific land uses shall be in accordance with the requirements as stated in DIVISION III-3, *Use Standards*.

D. **Submittal Requirements**.

1. *Composition of Application*. A submittal of a rezoning to a Planned Unit Development (PUD) shall require approval of a zoning map amendment concurrent with the requirements of Sec. 28-7-19, *Site Plan*.
2. *Criteria for a Zoning Map Amendment to be Approved as a PUD*. In addition to the requirements of this section the following is required for a zoning map amendment to be approved as a PUD. Both the Planning and Zoning Commission (P&Z) and City Council shall approve the zoning map amendment to PUD by certifying that the following situation exists in each application to a PUD.
   a. *Necessity*. The PUD zone is necessary because the development cannot otherwise take place under the regulations of this CDO.
   b. *Mix of Housing and Uses*. The development contains a variety of housing types, and a mix of employment opportunities or commercial services necessary to achieve a balanced community and beyond what is achievable under the by-right development options in Sec. 28-2-3, *Districts Established*.
   c. *Design Elements*. The development makes use of landscaping, buffering, screening, natural and man-made drainage patterns, recreational amenities, circulation, and common open space to achieve an orderly and creative arrangement of all land uses with respect to each other and to the community.

d. *Integrated Transportation*. The development contains a planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways and trails, and pedestrian walkways.

e. *Phasing*. The development is phased in a manner which may be accommodated by the timely provision of public utilities, facilities, and services.

Sec. 28-7-31. Development Agreements

A. **Purpose**. Development agreements are a tool that municipal governments and the development community can use to create predictability in the development process.

B. **Application for a Development Agreement**. All development agreement applications shall be submitted to the Administrator through the use a form that has been approved by the City which identifies any and all requests for modifications to standards of this CDO and the reasons for the requested modifications. If an applicant fails to identify each and every request for a modification and the reasons for such modification, then that applicant will be held to the provisions of the CDO, as amended, for any and all standards that were not identified as part of the official application.

DIVISION VII-5: Quasi-Judicial Applications

Sec. 28-7-32. Interpretations

A. **Purpose**. The purpose of this section is to establish a uniform mechanism for formalizing written interpretations of the provisions of this CDO.

B. **Applicability**. The Administrator is responsible for making interpretations of all provisions of this CDO, including, but not limited to:

1. Interpretations of the text, including standards;
2. Interpretations of the zoning district boundaries;
3. Interpretations of whether a proposed use meets the definition of a listed use or not, and should be allowed in a zoning district or prohibited in that district;
4. Interpretations of compliance with a condition of approval; and
5. Interpretations of whether rights have been vested.

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

D. **Rendering of Interpretation**. Within ten business days after a request for interpretation has been submitted, the Administrator shall:

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

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

F. **Official Record.** The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

G. **Appeal**. See Sec. 28-7-34, *Appeals*.

Sec. 28-7-33. Variances

A. **Generally**. Any and all variances requests pursuant to this Chapter are to be heard by the Zoning Board of Adjustment (ZBA) in accordance with the requirements and procedures of Sec. 28-6-6, *Zoning Board of Adjustment.*

B. **Purpose**. The purpose of a variance is to provide limited relief from the property development standards for required by this CDO in those cases where the strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this CDO.

C. **Authority**. The ZBA, 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 Administrator.

D. **Initiation**. An application for a variance permit shall be submitted by a qualified applicant.

E. **Procedure**.

1. *Submission of Application*. A complete application for a variance permit shall be submitted to the 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 Administrator.
2. *Review and Recommendation by Administrator*. After determining that the application is complete, the 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 subsection (F), *Variance Permit Criteria,* below. A copy of the report shall be mailed to the applicant at least five days prior to the public hearing on the application.
3. *Public Hearing*. After due notice, the ZBA shall hold a public hearing on an application for a variance permit. At the public hearing the ZBA 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 ZBA shall vote to approve, approve with conditions or disapprove the application for a variance permit pursuant to the criteria of subsection (F), *Variance Permit Criteria*, below.
4. *Notice of Decision*. The Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Board's decision.

F. **Variance Permit Criteria**. To approve an application for a variance permit, the ZBA 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 CDO would deprive the applicant of rights commonly enjoyed by other landowners 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 CDO 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 CDO.

G. **Effect of Variance Permit**.
1. *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.
2. *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 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 extension of the 12-month timeframe may be granted by the ZBA for a period not to exceed 12 months for good cause shown.

Sec. 28-7-34. Appeals

A. **Generally**.
1. *Purpose*. The purpose of the appeals process is to provide an opportunity for affected parties to seek review of a decision of a responsible official or the Planning and Zoning Commission in a timely and inexpensive way.
2. *Administrative Decisions*. All administrative decisions of the Administrator pertaining to this CDO may be appealed to the Zoning Board of Adjustment (ZBA).
3. *Planning and Zoning Commission Decisions*. All decisions of the Planning and Zoning Commission pertaining to this CDO may be appealed to the City Council.
4. *Zoning Board of Adjustment Decisions*. All decisions of the ZBA pertaining to this CDO, may be appealed to a court of competent jurisdiction.
5. *City Council Decisions*. All decisions of the City Council pertaining to this CDO, may be appealed to a court of competent jurisdiction.

B. **Deadline to Appeal**. All appeals must be fully completed and submitted to the City 20 days after an official decision by any city official, committee, or governing body.

C. **Eligibility to Appeal**. Appeals may be taken to the ZBA by:
1. Any person aggrieved by the decision; or
2. Any officer, department, board, or bureau of the City affected by the decision.
3. Such appeal shall be made by filing the appropriate form and delivering it via mail or in person to the City. All of the grounds for the appeal shall be stated in the application.

D. **Stay of Proceedings**. An appeal shall stay all proceedings in furtherance of the action appealed unless the Administrator certifies to the ZBA that a stay would cause imminent peril to life or property.

E. **Notice of Hearing**. The ZBA shall fix a reasonable time for the appellate hearing and shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot at issue. Depositing of such written notice in the mail shall be deemed sufficient compliance.

F. **Decision by Board**. The ZBA shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the determination as in its opinion ought to be made.

DIVISION VII-6: Subdivision Applications

Sec. 28-7-35. Amending and Minor Plats

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral,* the following shall apply to Amending and Minor Plats.

B. **Purpose**. The purpose of this Section is to delegate to the Administrator the authority to approve amending plats, minor plats, and certain replats. Amending plats, minor plats, and replats shall conform to the rules and regulations of Sec. 28-7-37, *Preliminary Plats*, and Sec. 28-7-36, *Final Plats,* of this Division.

C. **Submittal Requirements.**

1. *Generally*. The amending plat shall depict both the current recorded configuration and the proposed configuration of all altered lots and reserves.
2. *Current Configuration.* The current configuration shall be located on the left side of the plat as originally recorded.
3. *Proposed Configuration.* The proposed configuration shall be located on the right side of the plat and shall depict all information as required for final plats.

D. **Specific Decision Criteria**.

1. *Review and Decision*. In determining whether to approve, approve with conditions, or deny an Amending or Minor or Plat, the review bodies shall consider the applicable common decision criteria in Sec. 28-7-8 and the following:
   a. *Number of Lots*. The Minor Plat is proposed for the creation of four or fewer lots.
   b. *Existing Street*. Each lot in the Minor Plat has frontage on an existing public street without the need for the creation or extension of a new public street.
   c. *Existing Utilities*. Existing public utilities of adequate capacity serve the entirety of the subject property in the Minor Plat without the need for extension.
   d. *TLGC Reference*. The purpose of the Amending Plat is solely one or more of those listed in TLGC Section 212.016.
2. *Affirmative Findings*. In order to approve a Minor Plat, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

E. **Referral**. The Administrator shall have no authority to disapprove an amending plat, minor plat, or replat. If the Administrator does not approve an amending plat, minor plat, or replat, then the Administrator shall submit the plat to the PZC and the procedures of Sec. 28-7-36, *Final Plats,* or Sec. 28-7-37, *Preliminary Plats*, shall apply.

Sec. 28-7-36. Final Plats

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to Final Plats.

B. **Purpose**. The purpose of a Final Plat is to serve as the official recorded map of the property to be developed, showing the boundaries, lots, public streets, easements, and other significant facilities and features that are necessary to serve the development. The Final Plat shall conform to the approved Preliminary Plat if applicable.

C. **Procedure**.

1. *After City Decision*. After receiving a preliminary plat decision from both the Planning and Zoning Commission (P&Z) and City Council, all persons desiring the subdivided land, referred to as applicant, shall submit an application for final plat approval as set forth herein, unless such person's subdivision is specifically exempted from the requirements to obtain a plat by this article.

2. *Copies*. The applicant shall submit eight copies of the final plat application to the P&Z. The application form shall be kept on file with the city secretary and shall be in a form approved by the P&Z.

3. *Timing of Submittal*. Final plat application submittal time and date. A final plat application should be submitted to the P&Z not later than 5:00 p.m. on the third Monday before the P&Z's next regularly scheduled meeting. The application shall comply with the city's fee schedule as set by the City Council.

D. **Required Documents for Application**. A final plat application shall contain the following documents:

1. *Filing Fees.* See Sec. 28-7-13, *Fees*.

2. *Copies Required*. A final plat application shall contain eight 24-inch by 36-inch paper prints of the original plat drawing, reproduced on white paper with blue or black lines, each of which shall be folded to 8½ inches by 14 inches. The city may adopt rules allowing the applicant to submit the entire plat in an electronic format. Additionally, a final plat application shall contain one electronic format of the original plat drawing in either PDF or CAD format.

E. **Documents Required**. All final plat applications shall contain the documents listed in Sec. 28-7-33, *Preliminary Plats*, as well as the following:

1. *Title Report*. The report shall include a legal description of the subdivision. The report shall be executed within 30 days before the date an application for final plat approval is submitted to the city.

2. *Environmental Assessment*. A final plat application shall contain a Phase 1 environmental assessment if the city engineer determines such assessment necessary for the subdivision. If hazardous materials are found, appropriate remediation shall be performed in accordance with the state commission on environmental quality or other applicable law prior to final plat approval.

3. *Drainage District*. A final plat application shall contain a copy of the approval form from each drainage district in which the property being subdivided is located.

4. *Traffic Study*. A final plat application shall contain a traffic impact study from a qualified traffic engineering firm for the ultimate build-out to assure that adequate public facilities for transportation

generated by the subdivision are being provided. The City Engineer may require a traffic impact study to forecast five years or greater in the future. The City Engineer may waive the requirements of a traffic impact study if in his opinion a traffic impact study is not needed for the subdivision. Furthermore, if less than 100 vehicle trips per day is anticipated for all streets in the subdivision, then no traffic impact study is required.

5. *Special Studies*. The applicant shall comply with all local, state, and federal laws pertaining to archeological, geological, and wetland sites, and endangered species applicable to the subdivision and shall provide any documents required by the city to evidence compliance.

F. **P&Z Action**.

1. The P&Z shall review each final plat application. The P&Z shall approve a final plat if it is in compliance with this division and other rules and regulations adopted by the City Council governing plats and the subdivision of land. The P&Z shall review and act on final plat applications within 30 days from the date the final plat application is postmarked or hand-delivered to the city as required by V.T.C.A., Local Government Code Chapter 212 and Chapter 245. Within these time constraints, the P&Z may take the following actions:
   a. Grant plat approval with or without conditions; or
   b. Disapprove any plat if the P&Z determines that such plat fails to comply with this division or other rules or regulations adopted by the City Council governing plats or the subdivision or land.
2. The P&Z discourages final plat approval with conditions and will only grant final plat approval with conditions when the applicant can demonstrate extraordinary hardship.

G. **Effect of Disapproval of Final Plat by P&Z**. If the P&Z disapproves a final plat, the applicant shall have the choice of withdrawing the plat to correct any deficiencies and then resubmitting such plat to the P&Z, or the applicant may continue the plat application process, with a negative recommendation, to City Council. This appeal process shall be a necessary step prior to the initiation of any litigation against the city.

H. **Certification for Disapproval**. If the P&Z disapproves a final plat, a written certification stating the reasons for the disapproval, the P&Z shall have a written letter prepared to certify the reasons for the disapproval and shall formally adopt any such certification

I. **City Council Action**.

1. If the P&Z grants final plat approval or if the P&Z disapproves a final plat and the applicant decides to continue with the platting process, then the City Council shall review each plat submitted to it by the P&Z. City Council shall approve any plat if it is in compliance with this division and other rules and regulations adopted by the City Council governing plats and the subdivision of land. City Council shall review and act on final plats within 30 days after the date the final plat is approved by the P&Z or is considered approved by the inaction of the P&Z, or the P&Z disapproves the final plat. Within these time constraints, City Council may take the following actions:
   a. Grant plat approval with or without conditions; or
   b. Disapprove the plat if the City Council determines that such plat fails to comply with this division or other rules or regulations adopted by the City Council governing plats or the subdivision of land.

2. The City Council discourages final plat approval with conditions and will only grant final plat approval with conditions when applicant can demonstrate extraordinary hardship.
3. If the City Council disapproves a final plat the City Council shall have a written letter prepared certifying the reasons for the disapproval and shall formally adopt any such certification.

Sec. 28-7-37. Preliminary Plats

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to preliminary plats.

B. **Purpose**. The purpose of a preliminary plat is to provide sufficient information to evaluate and review the general design of a proposed subdivision to ensure compliance with the requirements in Sec. 28-7-36, *Final Plats,* if applicable, the requirements of this CDO prior to submittal of a Final Plat, and all applicable requirements pursuant to the Texas Local Government Code, Chapter 212.

C. **Pre-Application Conference**. Prior to submitting an application for preliminary plat approval, the applicant may meet with City staff for comments and advice regarding the procedures, specifications, and standards required by the City for plat approval and the subdivision of land.

D. **Preliminary Plat Application.**
1. *Required*. All persons desiring to subdivide land, referred to as applicant, shall submit an application for preliminary plat approval as set forth herein, unless such person's subdivision is exempted from the requirements to obtain a plat by this article.
2. *Application and Copies Submitted*. The applicant shall submit eight copies of the preliminary plat application to the Administrator. The application form shall be kept on file with the City secretary and shall be in a form approved by the City.
3. *Preliminary Plat Application Submittal Time and Date*. A preliminary plat application should be submitted to the Administrator no later than 5:00 p.m. on the third Monday before the Planning and Zoning Commission's (P&Z) next regularly scheduled meeting.

E. **Required Documents for Application**. A preliminary plat application shall contain the following documents:
1. *Filing Fees*. A preliminary plat application shall contain a nonrefundable application fee tendered in the form of a check made payable to the "City of Fulshear, Texas," in the amounts adopted by the City Council and on file in the City secretary's office.
2. *Copies Required*. A preliminary plat application shall contain eight 24-inch by 36-inch paper prints of the original plat drawing, reproduced on white paper with blue or black lines, each of which shall be folded to 8½ inches by 14 inches. Additionally, a preliminary plat application shall contain one electronic format of the original plat drawing in either PDF or CAD format.
3. *Encumbrances Information*. A preliminary plat application shall contain a statement or certificate, either in separate writing or on the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing easements, rights-of-way, fee strips, and significant topographical features on the land being platted are shown and accurately identified on the plat and, further, stating whether the plat being submitted includes all of the contiguous land that the subdivider owns, directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal

interest in any adjacent property. If the subdivider owns, directly or indirectly, or has a legal or beneficial interest in any adjacent property, the extent of such ownership and a boundary description of the land involved also shall be shown on the plat.

4. *Notice to Utilities*. A preliminary plat application shall contain notice letters to all utility companies that provide service to the area encompassed by the subdivision, whether public or private. Such notice letters shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice letter a copy of the preliminary plat that is filed with the City.
5. *Drainage District.* A preliminary plat application shall contain a copy of the review form submitted to each drainage district in which the property being subdivided is located.
6. *Water and Sewer Certification*. A preliminary plat application shall contain a letter certifying that water and sewer service is available to the subdivision and that services will be provided from the appropriate utility provider, or a letter certifying that private water wells and septic systems approval have been granted for the subdivision.
7. *State Department of Transportation*. A preliminary plat application shall contain a permit or a no objection letter from the state department of transportation if the subdivision is adjacent to or ties into a state highway.
8. *Other Jurisdictions.* A preliminary plat application shall contain approval documents from any other applicable governmental entity, district, or entity with jurisdiction in the subdivision; however, a preliminary plat application is not required to have either Fort Bend County or Waller County approval.
9. *Other Documents.* A preliminary plat application shall contain any other documents the City may require to determine compliance with the standards of this division.

F. **Form and Content of Preliminary Plats**. All preliminary plats submitted to the P&Z shall contain the following:

1. The proposed name of the subdivision or development, which shall not be a duplicate of any subdivision or development of record in the county of recording;
2. The legal description of the property proposed to be subdivided, including the name of the county, survey, and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection;
3. The total acreage and total number of lots, blocks, and reserves;
   a. Proposed use of land;
   b. Setbacks;
   c. Green or open space;
   d. Easements and rights-of-way; and
   e. Pipelines, including setbacks, and available information on the content and what the pipeline is engineered for.
4. The name of the owner of the property. If the owner is other than a natural person, the name of the principal officer of the entity;
5. The name of the person or firm who prepared the plat;

6. The date on which the plat was drawn;
7. The north point. The drawing of the subdivision shall be oriented with north to the top of the drawing;
8. The scale for a preliminary plat shall be one-inch equals 100 feet, or for projects less than ten acres the scale acceptable for a preliminary plat shall be one-inch equals 50 feet;
9. A scale vicinity map shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with streets, railroads, watercourses, and similar features in all directions from the subdivision to a distance of at least one-half mile. The scale of the vicinity map shall be oriented with north to the top of the drawing;
10. The plat boundaries shall be drawn with heavy lines to indicate the subdivision with overall survey dimensions and bearings. Lines outside the subdivision shall be drawn as dashed lines;
11. The adjacent areas outside the subdivision shall be identified with the name of the adjacent subdivisions (including recording information), the names of the recorded owners, places of public assembly, schools, parks, bayous, drainageways, acreage, and all existing streets, easements, pipelines, and other restricted uses;
12. The location and approximate width of existing and proposed watercourses, ravines, drainage easements, and topographical elevations; and the boundaries of designated flood zones, as provided in the latest edition of the Federal Insurance Rate Map as published by the Federal Emergency Management Agency. All such information shall be certified by a registered professional land surveyor or a registered professional engineer authorized to do business in the state;
13. Contours with intervals of five-tenths-foot, referred to sea level (U.S. Coast and Geodetic Survey) datum, as required to show at least two contours within and adjacent to the subdivision. If the change in elevation throughout the subdivision is less than one foot, then the plat shall show the outfall drainage plan and identify basis of control and temporary benchmark set within the subdivision;
14. The location and identification of all reserve tracts. If not a specific use, reserve tracts shall be identified as "unrestricted reserve." Specific uses shall be designated "restricted reserve." Specific uses include, but are not limited to, single-family residential, utility, places of public assembly, park, recreational, school, landscaping, sewage disposal, water plants, or drainage uses;
15. The location, widths, and names of all existing and proposed streets, roads, alleys, half-streets, and easements within the subdivision and immediately adjacent thereto, the location of all existing permanent buildings within the subdivision, and all existing easements and other important features, such as section lines, political subdivision, or corporate limit lines, on all sides for a distance of not less than 200 feet;
16. The names of all existing and proposed streets located within the subdivision and immediately adjacent thereto. If all or part of a street or major thoroughfare runs through the subdivision, the plat shall depict such street, and the plat shall contain a note that such street will be dedicated to the City. Furthermore, the developer shall build such street in accordance with the City's standards established in Sec. 28-4-5, *Streets, driveways, and Alleys;*
17. The location of all lots, blocks, building setback lines, and other features, within the subdivision, with approximate dimensions;

18. The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, building lines, reserves, and parks with principal dimensions; and
19. All parkland dedications as set forth in Sec. 28-4-16, *Parkland Dedication.*

G. **P&Z Action.**
1. *Review and Approval*. The P&Z shall:
   a. Review each preliminary plat application, except for amending plats, minor plats, and certain replats.
   b. Approve a preliminary plat if it is in compliance with all provisions of this Division and ARTICLE IV, *Subdivision Regulations*.
2. *Required Timeframe*. The P&Z shall review and act on preliminary plat applications within 30 days from the date the preliminary plat application is postmarked or hand-delivered to the City as required by Texas Local Government Code, Chapter 212. and Chapter 245. Within these time constraints, the P&Z shall take the following actions:
   a. Grant plat approval with or without conditions; or
   b. Disapprove any plat if the P&Z determines that such plat fails to comply with this division or other rules or regulations adopted by the City Council governing plats or the subdivision or land.
3. *Certification for Disapproval*. If the P&Z disapproves a preliminary plat a written certification stating the reasons for the disapproval, the P&Z shall have a written letter prepared certifying the reasons for the disapproval.

Sec. 28-7-38. Replats

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to replats.

B. **Purpose**. The purpose of a replat is to allow a property owner to add additional lots or public rights-of-way to a recorded plat without prior vacation.

C. **Replatting Without Vacating Preceding Plat**. In accordance with Texas Local Government Code Section 212.014, 212.0145 and 212.015, a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
1. Is signed and acknowledged by only the owners of the property being replatted;
2. Is approved, after a public hearing on the matter, if required in Table 28-7-14, *Summary of Review Procedures*, by the P&Z; and
3. Does not attempt to amend or remove any covenants or restrictions.

D. **Utilities**. The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the replat. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

Sec. 28-7-39. Simplified Subdivision Plat

A. **Purpose**. The purpose of this Section is to delegate to the Administrator the authority to approve simplified subdivision plats.

B. **Applicability.** See Sec. 28-4-2.C, *Exemption from Platting*.

C. **Application Requirements**. In addition to the applicable required procedures in Division VII-2, *Review and Referral,* the following is required when submitting a simplified subdivision plat:

1. The subdivision shall be described by metes and bounds;
2. The subdivision shall be located with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part;
3. The dimensions of the subdivision shall be shown including each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part;
4. The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgement of deeds;
5. The plat shall be filed and recorded with the County Clerk of the County in which the tract is located; and
6. The plat shall be subject to the filing and recording provisions of Section 12.002, of the Property Code.

D. **Sunset of Simplified Subdivision Plat Provision**. The provisions of this Section and all others referring to a Simplified Subdivision Plat, as defined in this CDO, shall sunset on September 1, 2021.

Sec. 28-7-40. Vacation Plat

A. **Generally**. In addition to the applicable required procedures in Division VII-2, *Review and Referral*, the following shall apply to Vacating Plats.

B. **Purpose**. The purpose of a Vacating Plat is to eliminate the subdivision of property reflected by a prior recorded plat, whereby the subdivided land would return to a single unit of property.

C. **Vacation of Plat**. In accordance with Texas Local Government Code Section 212.013, a recorded plat may be vacated pursuant to the following.

1. *Common Ownership*. The owners of the tract covered by a plat may vacate the plat at any time before any lot in the subdivision is sold.
2. *Separate Ownership*. If lots in the subdivision have been sold, the subdivision, or any part of the subdivision, may be vacated on the application of all the owners of lots in the subdivision with approval obtained in the manner prescribed for the original plat for the subdivision.
3. *When Vacated*. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
4. *Execution and Recording.* On the execution and recording of the vacating instrument, the vacated plat has no effect.
5. *Utilities*. The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the vacation procedure. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

D. **Government Initiated Plat Vacation**.

1. *Generally*. The P&Z may vacate a plat of an approved subdivision when:
   a. No lots within the approved plat have been sold within five years from the date that the plat was approved;

b. The City is unable to obtain funds from the subdivider's bonding company with which to complete construction of unfinished and abandoned public improvements, except that the vacation shall apply only to lots owned by the subdivider or its successor; or

c. The plat has been of record for more than five years and the P&Z determines that the further resale of lots within the subdivision presents a threat to public health, safety, and general welfare, except that the vacation shall apply only to lots owned by the subdivider or its successors.

2. *Notice*. Prior to initiating a plat vacation, the P&Z shall follow the notice requirements set forth in Texas Local Government Code Section 212.015.

E. **Utilities**. The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the Vacation Plat. The cost of any such relocation and/or abandonment shall be borne by the subdivider.

ARTICLE VIII: ENFORCEMENT AND REMEDIES

DIVISION VIII-1: Enforcement Procedures

Sec. 28-8-1. Purpose

This Article:

A. Establishes the procedures that the City may use to assure compliance with the provisions of this CDO and to correct violations; and

B. Sets out the remedies and penalties that the City may seek to correct violations. The provisions of this Article are intended to encourage the voluntary correction of violations.

Sec. 28-8-2. Applicability

A. **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 CDO.

B. **Continuation of Prior Enforcement Actions**. Nothing in this CDO shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to regulations in effect before the effective date of this CDO. Enforcement actions initiated before the effective date of this CDO, and amendments hereto, may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this CDO.

DIVISION VIII-2: Remedies

Sec. 28-8-3. Non-Judicial

The Administrator, with assistance from other applicable City staff members, may enforce any violation of this CDO prior to, and without, judicial process by:

A. **Entry unto the Premise.** The Administrator or any appointed or employed peace officer from a law enforcement agency may enter into a premise to determine if there is a violation of this CDO.

B. **Withholding Permits**. The Administrator may deny or withhold permits, approvals, or other forms of authorization for failure to comply with the requirements of this CDO or those of a referral agency. In lieu of withholding or denying authorization, the City may grant such authorization subject to the condition that the violation be corrected.

C. **Temporarily Revoking Permits**. The Administrator may temporarily revoke permits for due cause to address an imminent danger to public health, public safety, or public or private property or to prevent irreparable harm.

D. **Suspending Permits**. The Administrator may suspend any permits to allow for the correction of a violation or in response to a judgment of a court of competent jurisdiction.

E. **Revoking Permits and Approvals**.
   1. *Generally*. Any permit or other approval required by this CDO may be revoked:
      a. When the Administrator or designee, as appropriate, determines that:
         i. There is a violation of any provision of this CDO;
         ii. The permit or approval was issued in error or based on false representation; or
         iii. There is a departure from the approved plans required under the permit, this CDO, or the City's Engineering standards and specifications;
      b. Upon the request of a referral agency with jurisdiction and due cause; or
      c. Any infraction incurs that is in violation of the Texas Penal Code.
   2. *Notice*. Written notice of permit or approval revocation shall state a time frame to correct the violation.
   3. *Effect of Notice*. No work or construction may proceed after service of the revocation notice except work necessary to correct a violation.
   4. *Failure to Correct*. After the period to correct the violation lapses and arrangements acceptable to the Administrator have not been made, the Administrator may:
      a. File litigation in a court of competent jurisdiction; and/or
      b. Remove or correct such violation and place a lien upon the property or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.

F. **Stopping Work**.
   1. *Issuance*. With or without revoking permits, the Administrator shall have the authority to stop any or all construction activity necessary to halt, correct, or prevent a violation of this CDO by issuing a written stop work order.
   2. *Stop Work*. The operator shall immediately stop all activity until authorized, in writing, by the Administrator to proceed.

G. **Issuing Cease and Desist Orders**. The Administrator may issue a cease and desist order to close unlawful uses or to halt a violation of this CDO.

Sec. 28-8-4. Judicial

The City may seek the following judicial remedies or any other judicial remedy as permitted by law to enforce this CDO in any court of competent jurisdiction:

A. **Injunctive Relief**. The City may seek an injunction or other equitable relief in court to stop any violation of this CDO or of a permit, certificate or other form of authorization granted hereunder.

B. **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.

C. **Civil Liability**. The Administrator:
   1. Has the authority to issue a citation and deliver it to a person believed to be committing a civil violation; and
   2. Is declared to be the official with the duty of enforcing this CDO with respect to:
      a. Appearing and testifying in any trial held with respect to a citation;

b. Notifying the court of competent jurisdiction of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice has occurred;

c. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and

d. Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial.

D. **Criminal Liability**.

1. *Punishment*. Upon conviction, any person in violation of, or showing a failure to comply with, any of the provisions of this CDO may be punished by fines and/or imprisonment, as prescribed by law, for each week or a partial week, that the violation or noncompliance has continued.

2. *Responsible Parties*. Every person concerned in the violation of, or showing a failure to comply with this CDO, whether the person directly commits the act, or aids or abets the act, and whether present or absent, shall be proceeded against and held as a principal.

Sec. 28-8-5. Penalties

A. **Misdemeanor Offense**. Any person who violates or causes, allows, or permits another to violate any provision of this CDO shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $2,000.00. Each occurrence of any such violation of this CDO shall constitute a separate offense. Each day on which any such violation of this CDO occurs shall constitute a separate offense.

B. **Revocation of Sign Permit**. A sign permit may be revoked for violation of this CDO. The Building Official shall give prior written notice of a proposed revocation to the operator and an opportunity to respond to the reasons for revocation within ten days of said written notice. The permit shall not be revoked prior to the expiration of ten days from the date of such written notice.

C. **Successive Days**. Each day such violation continues shall be considered a separate offense.

D. **Associated Parties**. The owner or tenant of any full or partial building, structure, or premises, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

E. **Penalties Cumulative**. The penalties of this Article shall be cumulative except where the provisions of this Article are in direct conflict with each other, in which event the stricter provision shall take precedence.

CITY OF FULSHEAR
1824 ★ 1890 ★ 1977

ARTICLE IX: DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION IX-1: Rules of Construction

Sec. 28-9-1. Rules of Construction

A. **General**. All provisions, terms, phrases and expressions contained in this Coordinated Development Ordinance (CDO) shall be construed in order that the true intent and meaning of the Council may be fully implemented.

B. **Rounding Numbers.** Where a landscaping calculation in this CDO requires a standard that is a fraction, then the fraction must be rounded up to the nearest whole number to determine the appropriate number of trees required to be planted. For example, if 0.25 trees ornamental trees are required for a minimum street frontage of 50 feet, then a proposed 50-foot lot would require one ornamental street tree.

C. **Computation of Time**. The time in which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

1. "Day" means a calendar day.
2. "Month" means a calendar month.
3. "Year" means a calendar year.

D. **Delegation of Authority**. Whenever a provision requires a City employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision or Section specifies otherwise.

E. **Nontechnical and Technical Words**. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

F. **Text, Tables, and Illustrations**. In case of any difference of meaning or implication between the text of this CDO and any illustrations, the text shall control. In case of a conflict between the text and a table, the text shall control. In case of a conflict between a table and an illustration, the table shall control.

G. **Other Regulations**. Where this CDO references a local, state, or federal regulation or publication, the reference is to the most recent edition or version, unless otherwise noted. If the referenced document has been repealed and not replaced by other regulations or publications, requirements for compliance are no longer in effect.

H. **Examples**. The use of the terms "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

I. **Interpretation of Terms.**

1. The terms "shall," "will," or "must" are mandatory and are synonymous.
2. The term "may" is discretionary. The term "and" indicates that all items being referred to are connected and inclusive.
3. The term "or" indicates that one or more of the items being referred to shall or may apply.

4. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
5. Words used in the plural number include the singular and vice-versa.
6. Words not defined in this CDO but defined in any other part of the Fulshear City Code shall be deemed to have the meaning provided in the City Code. Words not defined in this CDO or in any other part of the City Code shall have the most appropriate meaning provided in a dictionary in common usage.

Sec. 28-9-2. Severability

A. **Generally.** If a court of competent jurisdiction holds any provision of this CDO to be illegal or invalid, the remainder of this CDO shall remain in full force without being affected by the judgment.

B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this CDO to a particular structure, land, or water to be illegal or invalid "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.

Sec. 28-9-3. Acronyms and Abbreviations

ADA = Americans with Disabilities Act

ADU = Accessory Dwelling Unit

ASTM = American Society for Testing & Materials

C-C = Cut-to-Cut

CCC = Changeable Copy Centers

CDO = Coordinated Development Ordinance

CF = Community Facilities Zoning District

CFR = Code of Federal Regulations

CMU = Concrete Masonry Unit

CO = Certificate of Occupancy

DD = Downtown District Zoning District

DU = Dwelling Unit

ER = Estate Residential Zoning District

ETJ = Extraterritorial Jurisdiction

FAA = Federal Aviation Administration

FCC = Federal Communications Commission

FR = Fulshear Run Planned Unit Development District

Ft = Feet

GC = General Commercial Zoning District

GFA = Gross Floor Area

HDPE = High Density Polyethylene

HOA = Homeowner Association

HPMC = Historic Preservation and Museum Commission

HPO = Historic Preservation Officer

IN = Industrial Zoning District

IESNA = Illuminating Engineering Society of North America

IN = Industrial Zoning District

ITE = Institute of Traffic Engineers

MF = Multifamily Zoning District

MH = Manufactured Housing Zoning District

MSL = Mean Sea Level

MTP = Major Thoroughfare Plan

MUD = Municipal Utility District

Max = Maximum

Min = Minimum

N/A = Not Applicable

NP = Not Permitted

NRHP = National Register of Historic Places

P = Permitted

PD = Planned Development

PI = Plasticity Index

PSI = Pounds Per Square Inch

PUD = Planned Unit Development District

PVC = Polyvinyl Chloride

P&Z = Planning and Zoning Commission

RV = Recreational Vehicle

S = Specific Use

SAL = State Archeological Landmark

SC = Suburban Commercial Zoning District

SDR = Standards Dimensional Ratio

SO = Suburban Office Zoning District

SR = Suburban Residential Zoning District

SU = Semi-Urban Residential Zoning District

SUP = Specific Use Permit

Sec = Section

Sf = Square Feet

THL = Texas Historic Landmark

TLGC = Texas Local Government Code

TXDOT = Texas Department of Transportation

USDA = United States Department of Agriculture

USPS = United States Postal Service

VTCA = Vernon's Texas Code Annotated

ZBA = Zoning Board of Adjustment

DIVISION IX-2: Definitions

Sec. 28-9-3. Land Use Definitions

A

Accessory Use means a use 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.

Accessory Dwelling Unit (ADU) means a secondary dwelling unit that is either located in a separate accessory building on the same lot as the principal dwelling unit, or as a separate, independent unit within the principal building. The ADU provides a complete, independent living space with facilities for cooking, eating, sanitation, and sleeping.

Adult Day Care Center means a facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the facility. Adult Day Care Centers must be licensed by the Texas Department of Human Services.

Airport means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alcoholic Beverage Sales, Off-Site Consumption means the use of a site for the retail sale of alcoholic beverages for off-premises consumption. This use includes package stores.

Alcoholic Beverage Sales, On-Site Consumption means a business with floor space that is primarily devoted to the sale of beer, wine, or other alcoholic beverages for on-premises consumption and which requires a license under Texas state regulations.

Alternative Financial Services means an establishment which:

1. Engages in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck, or car title; or
2. Is registered as a lender under state or federal law. The classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator.

Amphitheater or Outdoor Performance Venue means a semi-enclosed structure designed for the enactment of the performing arts or other entertainment uses that include entertainment related facilities and uses.

Apartment / Multi-Family Dwelling means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more dwelling units or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

Art Gallery / Museum means a privately-operated facility or area for the acquisition, preservation, study, exhibition or sale of works of artistic, historic, or scientific value.

Assisted Living means a facility that provides meals and assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves. This definition does not include nursing homes or similar institutions with professionally trained technical staff devoted primarily to the care of the chronically ill or the incurable.

Auto Body Repair means any establishment where the primary services offered are the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment.

Automobile, Motorcycle, and Farming Vehicle Rental means an establishment engaging in the rental of new or used vehicles. This may include automobiles, motorcycles, and farming vehicles.

Automobile, Motorcycle, and Farming Vehicle Sales means an establishment engaging in the retail sale of new or used vehicles. This may include automobiles, motorcycles, and farming vehicles.

Automobile / Motorcycle Parts and Accessories Sales means retail sales of automobile and motorcycle related parts and accessories without installation on-site.

Automobile / Motorcycle Repair, Light means any land, building, structure, or premises used for the routine maintenance of automobiles and limited servicing of automobiles including but not limited to the sale and installation of oil, lubricants, filters, batteries, tires, brakes, belts, and other similar activities or for installing or repairing parts and accessories.

Automobile / Vehicle Wash means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to an automobile fueling or charging station, automobile sales, rental, and service), or as a stand-alone operation, of any type, on a commercial basis.

B

Bank, Credit Union, and Financial Services means any of the class of business in a freestanding building, kiosk or automated teller machines that provide financial services and the transmission of funds.

Barn means a farm building used for storing farm products or sheltering livestock.

Bed and Breakfast Home means an accessory use operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment. If meals are provided, they are served only to overnight guests and residents.

Bed and Breakfast Inn means a principal use in a former single-family dwelling or detached guesthouses on a lot where the property owner provides management, cleaning, and meal services to overnight guests, and may or may not reside on site. If meals are provided, they are served only to overnight guests and residents.

C

Cemetery / Funeral Services means land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums and mausoleums and buildings where funeral services may be held.

Child Care, Family Home means a home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

State Law Reference: Texas Human Resources Code, Chapter 42

Child Care Facility, Group Home means a child-care facility that provides care at the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

State Law Reference: Texas Human Resources Code, Chapter 42

Community Garden means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

Contractor's Shop and/or Service Yard means an area used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. This definition excludes temporary contractor storage associated with the site of an on-going construction project.

Convenience Store without gas pumps means a retail establishment that sells primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads primarily for off-premise consumption.

Conference and Convention Center means a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation. The use does not include places of assembly.

D

Day Care Center means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

State Law Reference: Texas Human Resources Code, Chapter 42

Day Care / Pre-School means an establishment providing nonmedical care, protection, and supervision for individuals on a regular basis, away from their primary residence for less than 24 hours per day and includes nursery schools, preschools, and day care centers for children.

Department Store means a retail establishment offering a wide variety of merchandise and services, usually organized in separate departments.

Drill Site means a location approved for the purposes of drilling or commencing to drill a well of oil or gas within the limits of the City as permitted by Section 10, *Businesses Article III - Oil and Gas Wells*, of the City's Code of Ordinances.

Driving Range, Freestanding means a tract of land equipped and not associated with a golf course with distance markers for practicing golf shots.

Drug Store means a retail establishment where the primary business is the filling and sale of prescription drugs, medical devices and supplies, and non-prescription medicines.

Dry Cleaning Establishment means any facility that uses a transfer machine, dry-to-dry vented unit, dry-to-dry closed loop unit with chlorinated solvents, or similar mechanisms to clean clothing or other materials.

Duplex means a building that:

1. Is designed as a single structure;
2. Contains two separate living units each of which is designed to be occupied as a separate permanent residence for one family; and
3. Has both living units located on a single lot.

F

Farm, Orchard, or Ranch means land used for the growing of usual farm products and/or raising of usual farm poultry and farm animals including the necessary accessory uses for raising, treating, and storing products raised on the premises. This definition does not include the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

G

Gambling / Gaming Facility means an establishment wherein one or more gaming machines, as defined as any machine when such machine or machines dispense or are used or are capable of being used to dispense a representation of value where such representation of value is redeemable for noncash merchandise prizes, toys or novelties that have a wholesale value from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or $5.00, whichever is less, are operational.

Garage means a building which can be either attached or detached to a principal residential dwelling that provides space for the storage of motor vehicles.

Gas Station means a place where vehicular fuel, stored only in underground tanks, is offered for sale to the public or where charging stations are made available for the charging of vehicles.

Golf Course means an outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a Country Club or other clubhouse, a driving range, putting greens, and shelters as accessory uses.

Government Office (Library, Post Office, Administration) means a governmental office that includes such uses as a post office, or an administrative building. This definition does not include police, fire, or emergency services.

Government Service (Police, Fire, EMS) means a facility that provides for offices, training, and/or storage facilities of a service that is traditionally administered by a local government including public safety and the following emergency services: fire, emergency medical and ambulance services.

Greenhouse / Nursery means an establishment primarily engaged in the propagation (for sale at retail or wholesale) of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

Grocery / Retail means an establishment engaged in the sale or rental of goods, merchandise or services, to the general public and sometimes offering for retail sale prepackaged food products, household items and other goods commonly associated with the same. Excludes eating and drinking places.

H

Hardware Store means a retail establishment that sells items including, but not limited to, hardware, plumbing supplies, electrical supplies, lighting, appliances, lumber, or lawn equipment. Secondary sale of lumber stored indoors may take place.

Health and Fitness Club means an enclosed establishment generally containing multi-use facilities for conducting fitness and recreational activities, including, but not limited to, exercises, weightlifting, running, swimming, and racquetball.

Heavy Machinery Sales and Rentals means an establishment providing for the sales and rental of equipment to be used for farming and construction. This definition does not include any vehicles that can be titled and licensed for street legal use by the Texas Department of Motor Vehicles.

Hemp and Cannabinoid Sales means any business that engages in selling hemp and/or the active constituents of cannabis.

Heliport means a facility that is designed to be used for the take-off and / or landing of helicopters, including operations facilities such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Home Furnishing Store means a retail establishment that sells items including, but not limited to, beds, couches, chairs, electronics tables, or drapery.

Home Occupation means any activity, occupation, profession, domestic craft or economic enterprise carried out for economic 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.

Hotel, Full Service means a building or group of related buildings designed for commercial overnight lodging in which transient visitors are accommodated for compensation in guest rooms for increments of not less than 6 hours and for less than 30 days and that includes accessory facilities and services such as food and beverage service or full restaurant facilities, recreational facilities, meeting rooms or conference space, ballrooms and special event space, and other business or personal services for guests.

Hotel, Residence means a building or group of related buildings designed for commercial overnight lodging in which transient visitors are accommodated for compensation in guest rooms for increments of not less than six hours and that offers more than five percent of its guest rooms for stays extending 30 consecutive days or more, or an extended-stay commercial overnight lodging establishment consisting of efficiency suites or suites with a complete kitchen suitable for occupancy for periods extending 30 consecutive days or more. The building or buildings may also include accessory uses such as food and beverage service or full restaurant facilities, recreational facilities, meeting rooms or conference space, ballrooms and special event space, and other business or personal services for guests. This term shall not include any dwelling types as defined in this ordinance.

I

Industrialized Housing means a residential structure that:

1. Includes the structure's plumbing, heating, air conditioning, and electrical systems;
2. Is designed for the occupancy of one or more families;
3. Is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
4. Is designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

J

Junkyard, Salvage Yard, and Wrecking Yard means a business contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing, dismantling, salvaging, or demolishing of wastepaper, rags, scrap metal, vehicles, equipment or other discarded material for the sale of such material or parts thereof but does not include recycling facilities.

K

Kennel / Animal Shelter means either:

1. An establishment used for boarding and care services for four or more animals including dogs, cats, and similar small mammals or small birds used as pets; or
2. A facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

L

Landfill means a solid waste disposal facility consisting of an area of land or an excavation used for disposal of any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service.

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

Lumber Yard means a retail establishment that sells items including, but not limited to, lumber, brick, tile, cement, insulation, and roofing materials. Secondary sale of items such as heating and plumbing supplies, electrical supplies, paint, glass, hardware, and wallpaper may take place.

M

Manufactured Home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling with 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.

State Law Reference - Definition of manufactured home and HUD-manufactured home, V.T.C.A., Occupations Code § 1201.003.

Manufactured Park means an area of land designed for the placement of manufactured homes or mobile homes with two or more improved pads or spaces for manufactured homes or mobile homes providing connections for, but not limited to, water, sewer, and electricity service.

Manufacturing, Heavy means enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

Manufacturing, Light means establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage.

Massage Parlor means a place of business that advertises or offers massage therapy or other massage services to members of the public. The term includes a place of business that advertises or offers any service described by a derivation of the terms “massage therapy” or “other massage services” as those terms are defined in Chapter 455 of the Occupations Code, as amended. The term shall not apply to a person licensed in this state as a physician, chiropractor, occupational therapist, physical therapist, nurse, or athletic trainer or as a member of a similar profession subject to licensing by the State of Texas whose license is displayed in the establishment and while the person is practicing within the scope of the license. The term also does not apply to establishments that provide massage services as an auxiliary function to their primary use provided that the massage service is performed in the common areas which are visible to the patrons of the respective establishment.

Medical Lab means a facility that is used for the express purpose of the design, fabrication, and repair of dental and optical goods, and/or a laboratory where tests are performed on biological specimens in order to obtain information about the health of a patient.

Medical Office / Clinic means a use where medical, dental, psychiatric, psychological, chiropractic and/or and other outpatient services are performed.

Mixed-Use means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

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 body feet or more in width or 40 body feet or more in length or, when erected on site, is 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.

State Law Reference - Definition of a manufactured home and HUD-manufactured home, V.T.C.A., Occupations Code § 1201.003.

Multiple-Family Dwelling See Apartment / Multi-Family Dwellings

Multiplex means a building that is designed to look like a large single-family detached building, which includes three to five individual dwelling units.

N

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 24 basis, but excluding hospitals.

O

Office, General means a room, group of rooms, or a building used for the provision of executive, management, administrative, or professional services.

Parks and Outdoor Recreation, Non-Commercial means the use of a site which may include indoor and/or outdoor facilities and/or structures which houses community recreation activities owned, operated, or leased for operation by a public, quasi-public, or private entity.

Passenger Terminal means a facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

Patio Home means a dwelling type consisting of a single-family, detached residence located on an individual lot with only one side yard. No windows are permitted on the zero-lot line wall of the house. The zero-lot line may be achieved by:

1. Placing the house on a side lot line and providing a maintenance easement six feet wide on the adjoining lot; or
2. Locating the house so as to provide two side yards, one of which shall be a six-foot side yard with a use easement for the neighboring property.

Pawn Shop means an establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker). *See Texas Finance Code, Title 4, Chapter 371, Pawnshops*.

Place of Assembly, Indoor means a building where people assemble for civic, educational, religious, or cultural purposes. This use includes event facilities, meeting halls, fraternal organizations, places of worship and private clubs. This use does not include residential buildings or Conference and Convention Centers.

Power Generation, Transmission, and Distribution means the large-scale creation of power including large solar collectors and windmills and more forms of utility power generation.

Private Club means a building in which members of a community or association may gather for social, educational, or cultural activities.

Psychics, Tarot, and Palm Reader means any business that is engaged in psychic services, tarot card reading, and/or palm reading.

R

Recreation and Amusement, Indoor means any use that provides commercial amusement and recreation indoors (except sexually oriented businesses), including, but not limited to: bowling alleys and pool rooms; indoor sports arenas; movie theaters; live theaters; indoor skating rinks (ice or roller); and video arcades.

Recreation and Amusement, Outdoor means uses that provide commercial amusement outdoors (except sexually oriented businesses), including, but not limited to: outdoor arenas or stadiums (including, but not limited to, amphitheaters, sports stadiums, concert facilities, rodeos, and racing facilities); amusement parks or theme parks; fairgrounds; miniature golf establishments; water slides; and batting cages.

Research Laboratory means a facility that for scientific research, investigation, testing, development, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Restaurant means a building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provisions may be made for serving food on the premises outside the building and may include the provision of serving food at a drive-through window.

S

School, High or Vocational means a school with a curriculum that is primarily focused on educating persons either:

1. In grades 9 -12; or
2. Ages 18 and older to prepare them either for a graduate education or for a specific career choice.

School, Primary means the use of a site for full-time instructional purposes on an elementary and middle school level (K-8), approved under the regulations of the State. The use may be public or private school.

Sexually Oriented Businesses means an establishment providing, featuring or offering employees or entertainment personnel who appear on the premises while in a state of nudity or simulated nudity and provide live performances or entertainment for customers; or provides, features or offers non-live, sexually-explicit entertainment, materials, or items for sale or rental to customers; or provides materials or items that are intended to provide sexual stimulation or sexual gratification to its customers.

Shed means a small structure that is:

1. Detached from a principal building;
2. Intended to store lawn, garden, or pool care equipment; and
3. Not served by heat, electricity, or plumbing.

Shooting or Archery Range, Indoor means an enclosed facility for target practice with bows and arrows, crossbows, and firearms.

Shopping Center means a group of permitted commercial uses that are planned, developed, owned, or managed as a unit.

Single-Family Attached Dwelling means a housing type where two or more dwelling units are located in a single building. This definition includes duplexes, twin homes, multiplexes, and townhomes.

Single-Family Detached Dwelling means a building or structure containing only one dwelling unit that is not attached by a common wall to another dwelling unit.

Stable means the housing, training, or feeding of horses, which may include riding facilities.

T

Tattoo Parlors and Body Piercing Establishments means an establishment wherein permanent or semi-permanent markings, brands, body art, piercings, or tattoos are placed on or through the skin by an artist. The term ["tattoo parlor" or "tattoo studio"] does not mean an establishment which provides permanent cosmetic makeup application. Unless expressly stated otherwise herein, such words, terms and definitions shall have the meaning indicated in V.T.C.A., Health and Safety Code Ch. 146, as amended and Title 25, Texas Administrative Code, Sec. 229.401—229.413, as amended. Owners and employees of such businesses shall comply with all of said provisions thereof, as amended.

Temporary Uses means uses that are established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

Theater, Indoor means an enclosed establishment charging admission to the general public for the privilege of observing a live, televised, or motion picture performance indoors.

Townhome means one of a series of not less than three and no more than six attached single-family dwellings under a common roof with a common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhome dwelling unit is to be constructed above another townhome dwelling unit.

Twin Home means a building that:

1. Is designed as a single structure;
2. Contains two separate living units, each of which is designed to be occupied as a separate permanent residence for one family;
3. Is each located an individual lot; and
4. Each unit is totally separated from the other by an unpierced wall extending from the ground to the roof.

U

Urgent Care Center means an establishment that provides unscheduled, ambulatory walk-in care on an outpatient basis outside of a hospital emergency room.

V

Veterinary Clinic, Large Animal means an animal hospital or clinic that provides medical care services for large or livestock animals, including but not limited to: horses, cows, bison, elk, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs.

Veterinary Clinic, Small Animal means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of household pets. The term does not include medical care for livestock.

W

Warehousing and Storage means a building, structure, group of buildings and structures used primarily for the storage of goods, materials, personal property or records. Includes areas used primarily for the benefit of a principal business and/or where individual owners or tenants control individual storage spaces.

Water and/or Sewage Treatment Plant means a facility, or group of facilities, used for the treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes; and facilities used for the storage and distribution of potable and gray water to customers.

Water Storage Facility means facilities and infrastructure provided by a public agency, utility, or franchise which convey water facilities including regional water storage tanks and reservoirs.

Wireless Communications Tower means radio or television broadcasting towers, telecommunications towers, and antenna arrays.

Sec. 28-9-4. General Definitions

A

Abutting means two lots sharing the same or common property lines. This definition does not include lots that are separated by an alley, street, or another right-of-way.

Access means a means of providing vehicular ingress or egress to a property from an abutting property or public road.

Access Point means 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. The term shall include future planned roadways, so that if a street is provided to end at the boundary of the subdivision, such street shall count toward the requirement to be constructed.

Accessory Building means a building detached from a principal building located on the same lot and which is incidental and subordinate to the principal building.

Adjusted Lamp Lumens means the lamp lumens of a lamp multiplied by the lamp efficiency. Lamp efficiency is 100 percent for all solid-state lighting lamps and 80 percent for all other lamps.

Administrator means the Director of Development Services or his or her designee, whom shall enforce and interpret the provisions of this CDO.

Alley means a legally established private access easement affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alteration means any modification, replacement, or reconstruction that increases the height or materially increases the dimension of a structure.

Amending Plat means a plat which is submitted solely to make a minor amendment consistent with the requirements of Sec. 28-7-29, *Amending and Minor Plat*s.

Antenna means a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission, receipt, or both, of electromagnetic waves.

Applicant means the owner of land or his approved representative.

Approach means 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.

Astronomic Time Switch means an automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.

Average to Minimum means the ratio of average footcandles to the minimum footcandle point calculation for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio, the better the uniformity.

B

Backlight means lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire.

Block means an identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.

Bufferyard means a unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Builder means person whose job is to construct or repair houses.

Building Official means the Building Official of the City or his or her designee.

C

Canopy means a framed accessory structure or exterior architectural feature which is attached to and supported from a wall or held up by its own supports, which provides shelter from the elements to persons, vehicles, or property.

Canopy Tree means a tree at maturation that is generally 25 feet or higher and provides significant shade.

Cargo Terminal means a facility used for the loading and unloading of materials to be distributed by either truck or train.

Certificate of Occupancy means a certificate issued by the City for the use of a building, structure, or land, when it is determined by it that the building, structure or land complies with the provisions of all applicable city codes, ordinances, and regulations.

City Engineer means the person authorized by the city as its engineer or his duly authorized representative.

Civic Space means an outdoor area dedicated for public use that is in a centralized location within a development that creates a public gathering location.

Commercial Access means a private access serving one or more commercial, industrial, institutional, or multiple-family uses.

Commercial Use means any use other than a residential use.

Commission means the City's Planning and Zoning Commission.

Common Access Route/Internal Street means a street providing the principal means of access to individual manufactured home lots or auxiliary buildings.

Common Open Space means a parcel or parcels of land or an area of water, such as a lake or river, or a combination of land and water, which may include floodplain and wetland areas, forested areas, sensitive slopes, parks, landscape features detention areas, sports fields, neighborhood amenities, drainage, detention, landscape reserves, landscape buffers, and floodway, or similar areas within a development area and intended for the use and enjoyment of residents of a particular development area and, where designated, the community at large. A drill site is not within the definition of common open space.

Comprehensive Plan means the general plan for growth and development of the city and its environs, including any and all applicable elements of such plan, such as a land use plan, utilities plan, drainage plan, infrastructure master plan, parks plan, and other similar plans.

Corner Clearance means the distance from an intersection of two public or private streets to the nearest driveway, measured from the curb line or, where there is no curb line, 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.

Cross Access means a drive providing shared vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Curfew means a time period set by an ordinance or resolution of the city council during which outdoor lighting is to be reduced as provided by this article.

D

Developer means any person, firm, partnership, joint venture, limited liability company, association, corporation, or municipal utility district (MUD) who participates as owner, promoter, developer, or agent in the planning, platting, or development of a subdivision or development.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, minimum dredging, filling, grading, paving, excavation, drilling operations, and changes to drainage channels.

Development Agreement means an agreement between the City and a person having a legal or equitable interest in real property for the purpose of establishing conditions under which development may proceed.

Development Plat means a complete and exact development plan for new commercial construction or the enlargement of any exterior dimension of any commercial building, structure, or improvement prepared in conformity with this CDO and is suitable for recording in the county real property records. For purposes of the development plat, the term "commercial" means any nonresidential building, including, but not limited to, places of worship, schools, manufacturing, and industrial buildings, structures, and improvements.

Drainage District means the county drainage district or the Brookshire Katy Drainage District, whichever is applicable.

Driveway means a private accessway, primarily for vehicles, leading from a street to a dwelling unit, parking lot, parking garage, or loading area.

E

Easement means an area of land dedicated for restricted use in which a person or public or private entity has the right to control the land or the area above or below the land for a specific limited purpose.

Existing Lighting means any lighting existing and installed on or before the effective date of the ordinance from which this article is derived.

Extraterritorial Jurisdiction means that area of land located outside the city's territorial limits, as defined in V.T.C.A., Local Government Code Ch. 42.

F

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 persons who are not so related, living together as a single nonprofit housekeeping unit doing their own cooking. In order to comply with federal and state law, group homes are included within the definition of family.

Field Access means 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.

Final Plat means a map or drawing of a proposed subdivision prepared in conformity with this CDO and suitable for recording in the county real property records.

Fine Art means a sculpture, fountain, or similar object.

Flag Lot means a lot with:

1. Less than the minimum required frontage on a public or private street;
2. Access to the street by a narrow strip of land; and
3. Its largest portion situated behind adjoining lots that front on the street.

Floor Area Ratio (FAR) means a measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded.

Footcandle means a unit of light intensity used to calculate lighting levels.

Footcandles, Average means the average of a number of points of foot-candle calculation or footcandle reading in a given area.

Full Cut-Off means a shielded light fixture that emits no light above a horizontal plane touching the lowest part of the fixture.

Fully Shielded Luminaire means a luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the lowest light emitting part of the luminaire.

G

General Plan means a plan for the development of land brought by the applicant to a pre-application conference meeting that shows in general terms the proposed land use, circulation, natural characteristics and typical development of the area to be developed including the affected adjacent properties and traffic.

Glare means lighting entering the eye directly from a luminaire or indirectly from reflective surfaces and that causes visual discomfort or reduced visibility.

Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and a line five feet from the building or structure.

Group Home means a licensed community home as defined by Ch. 123 of the Texas Human Resources Code that is required to have no more than six persons with disabilities and two supervisors that reside 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 (½) mile of an existing community home. The term community 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 community 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; and
5. Supervision.

H

Hardscape means permanent improvements upon the ground which are constructed of concrete, asphalt, stone, gravel, or other similar material. The term "hardscape" includes, but is not limited to, parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is ten feet or less in width.

Headwall means 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.

Height means for the purpose of determining the height limits in all zones set forth in these regulations and shown on the hazard zoning map, the datum shall be height above mean sea level (MSL) elevation as measured in feet.

High Mast Light Structure means a fixed, freestanding, uninhabitable structure of a minimum height of 100 feet, specifically designed to carry light fixtures that is built on land on, along or adjacent to streets, roads, highways and bridges maintained by the state or political subdivision of the state.

Historic District means a district so designated by city council or an area for which an application for designation has been initiated thereunder and has not been disapproved by city council.

Historic Preservation Officer means the person designated to administer the historic preservation portions of the CDO. For the purposes of the CDO, this person is the same as the Administrator which is the Director of Development Services or his or her designee.

I

Illumination or Illuminated means any source of any artificial or reflected light, either directly from a source of light incorporated in or indirectly from an artificial source

Illumination, Down Lighting means a light fixture that are installed on or within the ceiling space, and face down to illuminate the space below.

Illumination, External means lighting projected onto a sign from a source external to, or attached to the exterior of, the sign structure. External illumination consists of lights mounted on the ground or attached to the top of the sign focused downward directly on the sign.

Illumination, Internal means illumination by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign and includes "internally illuminated"

Inactive Application means an application submitted to the City that become null, void, and expired because the applicant fails to diligently pursue completion of the application in a manner that completely address the City's comments and questions.

J

Joint Access or Shared Access means a driveway connecting two or more contiguous properties to the public street system.

L

Lamp means an individual source of light other than a celestial object or fire. The term "lamp" includes, but is not limited to, bulbs, tubes, and modules. For purposes of this article, multiple light-emitting diodes (LEDs) or organic LEDs (OLEDs) within a self-contained bulb, tube, or module are considered a single lamp.

Landmark means a property so designated by city council or a property for which an application for designation has been initiated thereunder and has not been disapproved by city council.

Landscape Lighting means lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

Light Pollution means any adverse effect of artificial light, including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

Light Trespass means light that falls beyond the property it is intended to illuminate. For purposes of this article, it is presumed that lighting is not intended to illuminate beyond the property line of the property on which the lighting is located, and that light emitted from a luminaire is presumed to fall beyond the property line if the lamp is visible, either directly or indirectly by reflection or otherwise, from beyond the property line.

Lighting Equipment means equipment specifically intended to provide gas or electric illumination, including, but not limited to, lamps, luminaires, ballasts, poles, posts, lenses, and related structures, electrical wiring, and other necessary or auxiliary components.

Lighting means any electric, manmade, or artificial lighting equipment.

Lot means a physically undivided tract or parcel of land having frontage on a public or private street and which is or may be offered for sale, conveyance, transfer, lease, development, or improvement.

Lot, Key or Flag means 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.

Lumen means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire. The term is not synonymous with the term "watt," which is a measure of power consumption.

Luminaire Lumens means the sum of all adjusted lamp lumens for all lamps within the luminaire.

Luminaire means the complete lighting unit or fixture, consisting of one or more lamps.

M

Major Thoroughfare Plan means the most recently adopted street layout plan adopted by City Council, or any amendments or changes thereto approved and adopted by the City Council.

Master Planned Community means developments of more than 200 acres which include more than 500 residential units and provide for specialized amenities including sidewalks, park and recreational facilities, customized drainage and decorative landscaping and a unifying theme for the development.

Minor Plat means a plat which involves four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of city facilities.

Mounting Height means the height of lowest light emitting point of the lowest lamp of a luminaire above ground level.

N

Nadir means a vertical line extending from the lowest light emitting point of the lowest lamp of a luminaire to a point on the ground directly beneath the lowest light emitting point of the lowest lamp of the luminaire.

Natural Waterway means a waterway that is part of the natural topography and that maintains a continuous or seasonal flow during the year. Construction channels such as drainage ditches shall not be considered natural waterways.

New Construction means the construction of entirely new buildings, structures, or hardscape, the construction of an addition to an existing building, structure, or hardscape greater than or equal to 25 percent of the existing building, structure, or hardscape, or the reconstruction or renewal of greater than or equal to 50 percent of an existing building, structure, or hardscape.

New Lighting means any lighting not existing and installed on the effective date of the ordinance from which this article is derived.

Nonconforming Use or Structure means any structure, tree, or use of land which is inconsistent with the provisions of these regulations and which is existing as of the effective date of these regulations.

Nonconforming Access means an access point built and constructed prior to the effective date of the ordinance from which this subdivision is derived that does not conform with the rules and regulations contained herein.

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

O

Outdoor Athletic Facility means any outdoor/open air sporting or recreational facility designed for use of organized athletic or extracurricular activities public or private which shall include, but not be limited to, use as a venue for: football, baseball, basketball, softball, soccer, rugby, tennis, track and field events, dressage, polo, rodeo, competitive roping, volleyball, quidditch, cricket, kickball, barrel racing, badminton, band, drum corps, golf, swimming, diving, cycling, ultimate Frisbee or other group event involving athletic or extracurricular competition or the preparation for such competition.

Outdoor Lighting means any type of fixed or movable lighting equipment that is designed or used for illumination out of doors. The term includes billboard lighting, street lights, searchlights and other lighting used for advertising purposes, and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft. (TLGC 240.031)

P

Park means any property of the state or political subdivision thereof that is designated for and restricted to use by the public for park purposes.

Parking, Off-Street, means a paved surface, a minimum of ten feet in width by 20 feet in length, located within the boundary of a manufactured home lot, or in common parking and storage areas, having unobstructed access to an internal street.

Parking Setback means the required distance from a public right-of-way and the location of an off-street parking location.

Permit means a document issued by the City which authorizes land clearing, grading, construction, demolition, or modification of infrastructure, buildings, signs, other structures, changes of land use, and temporary uses.

Person means an individual, partnership, corporation, or any other legal entity.

Preliminary Plat means a map or drawing of a proposed subdivision prepared in conformity with this chapter, but not suitable for recording in the county real property records.

Private Agreement means an agreement between two private parties that does not involve a governmental body.

Private Street means a roadway pertaining to subdivision of land, for vehicular travel which is privately owned and maintained, providing the principal means of access to three or more abutting properties.

Property Line means the edges of the legally-defined extent of privately owned property.

Public Parkland means any open space that is dedicated to and accepted by the City.

Public Space means any area to which the general public has access, and includes, but is not limited to parks, playgrounds, plazas, any property owned or operated by the city, and streets open to the general public and any buildings, premises, or other structures open to the general public including the doorways and entrances to such buildings, premises, or other structures and the grounds enclosing them.

Public Street means a roadway under the jurisdiction of a public authority that provides the principal means of access to an abutting property.

Public Utility means any person, company, corporation, cooperative, corporation, partnership, or any combination thereof, that is subject to both a municipal franchise agreement and the comprehensive regulatory system established by and defined in the Texas Public Utility Regulatory Act, that owns or operates for compensation equipment or facilities for:

1. Producing, generating, transmitting, distributing, selling, or furnishing electricity; or
2. The conveyance, transmission, or reception of communications over a telephone system as a dominant carrier.

The term "public utility" shall not include, as is defined in the Public Utility Regulatory Act, telegraph services, television stations, radio stations, community antenna television services, general radio-telephone services, or radio-telephone services authorized under the public mobile radio services rules of the Federal Communications Commission or private water companies.

R

Reasonable Access means the access necessary to provide for safe movement of vehicles to and from a public road. The term "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.

Recreational Vehicle Parks and Campgrounds means any lot of land upon which one or more recreational vehicles and/or camping sites are located, established, or maintained for occupancy as temporary living quarters for recreation, education, or vacation purposes.

Registered Care Home means a facility licensed or certified by the state that operates for all of the 24-hour day and provides child-care such as a foster home.

Replat means a plat signed by the property owners, other than an amending plat which shows all or a portion of an existing subdivision prepared in conformity with this CDO, where the purpose is to alter the original layout of streets, lots, or other features of the development but not amending or removing any covenants or restrictions.

Residence means any permanent building or structure containing habitable rooms for non-transient occupancy, designed and used primarily for living, sleeping, cooking and eating, which is intended to be used or occupied as a dwelling place for residential purposes, whether or not attached, including homes, town homes, patio-homes, duplexes, triplexes, quadraplexes, condominiums, and apartments. Multi-unit complexes shall be included as a ratio of one-eighth acre of land, or any fraction thereof, as being equivalent to one residential tract. For purposes of calculating the ratio of multi-unit complex acreage to residential tracts, only that portion of the multi-unit complex acreage within the residential test area shall be considered. Hotels, motels, boarding houses, group houses, halfway houses, nursing homes, hospitals, nursery schools, schools, and child care facilities shall not be considered residences. A building or structure located on a lot or tract of land used as the site of a tower shall not be considered a residence so long as its primary use is to contain, house, store, and protect materials or equipment directly related to the purpose and use of the tower.

Residential Access means 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.

Residential Lot means:

1. A lot which is included within a recorded residential subdivision subject to any enforceable, valid and unexpired residential deed restrictions upon which a residence exists or may be constructed pursuant to those valid and applicable deed restrictions; or
2. An unrestricted lot upon which a residence exists.

Residential means pertaining to the use of land for a residence as is defined in this CDO.

Residential Restrictions means one or more restrictive covenants limiting the use of the property to residential purposes that are contained or incorporated by reference in a properly recorded map, plat, replat, declaration, deed, judgment or other instrument filed in the county real property records, map records or deed records.

Residential Use means a use providing wholly or primarily non-transient living accommodations, excluding institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

Required Improvement means any improvement that is an alteration to the land or other physical constructions associated with subdivision and building site development.

Right-Of-Way means 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.

S

Seasonal Lighting means temporary lighting installed and operated in connection with holidays or traditions.

Service Road means 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.

Sight Distance Triangle means the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.

Sign Area means the entire advertising area of a sign, excluding any framing, trim, molding, or supporting structure.

Sign, Ancillary means a sign which conveys information regarding a service, facility, or product subsidiary or ancillary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, open signs, or signs displaying the hours of operation for the business or entity.

Sign, Directory means a sign that is for available for an applicant who has multiple tenants within a property. The sign is typically used in conjunction with master sign plans.

Sign, Monument means any sign mounted on the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels.

Sign, Off-Premises means any sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Sign, Portable means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Sign, Projecting means a sign, other than a wall sign, which is affixed to any building or wall, and whose leading edge extends more than two feet beyond such building or wall. A canopy or marquee shall be synonymous to a projecting sign.

Sign means any structure, part thereof, or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention, arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise, industry, activity, or any combination thereof.

Sign, Roof means any sign installed over or on the roof of a building.

Signs, Pylon means freestanding signs that are supported by a structure extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face. Pylon signs are not considered monument signs. Pylon signs differ from pole signs in that they are supported by a structure with internal clearance rather than a pole.

Sign, Special Event Directional means directional signage posted and removed within the time specified herein of a special event such as a local festival or sporting event. This term is included within the definition of temporary sign.

Sign, Snipe means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, stake, fence, utility pole, or other like object, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Sign, Temporary means any sign constructed of materials with short life expectancies. A portable sign shall not necessarily be considered a temporary sign.

Sign, Wall means any sign mounted parallel to a wall of a building.

Sign, Way-Finding means signage specific to directing travelers to certain locations within the city. Such signs shall be of a specific design for its type and shall be approved on a case by case basis by the planning commission prior to installation unless installed in conjunction with a previously approved master sign plan in association with a master planned community.

Sign, Wind Device means any flag, pennant, banner, streamer, balloon, inflatable device or similar-type object made of cloth, canvas, nylon, plastic, or other flexible material, with or without a frame or other supporting structure, that moves, or is intended to move or blow with the wind.

Significant Tree means a tree with a diameter of six inches or greater, measured 24 inches above grade.

Site means the area within the property line of a property.

Site Plan means graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.

Skyglow means the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and particulates in the atmosphere.

Small Tree means a tree at maturation that is generally no higher than 25 feet.

Street, Arterial means a street that serves or is designed to serve, as a connection between uses which generate heavy traffic volumes or between other arterial streets.

Street, Collector means a street that serves or is designed to serve as the connection from minor streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

Street, Local means a street which serves or is designed to serve primarily as access to abutting properties.

Street Offset means the separation of two streets when said separation occurs at an intersecting street.

Solid State Lighting means lighting based on light-emitting diodes (LEDs) or organic LEDs (OLEDs). The term "solid state lighting" does not include lighting based on filaments, plasma, or gases.

Street, Private means any street not dedicated as a public street. A private street shall include any paved improvement designed to facilitate the movement of vehicles from one point to another. Maintenance and repair are the responsibility of the private owner of the street.

Street, Public means a thoroughfare or right-of-way, dedicated to the public, and accepted for maintenance by the City or County, and which provides vehicular access within a subdivision or to adjacent land.

Structure means an object, including a mobile object, constructed or installed by man including, but not limited to, buildings, towers, cranes, smokestacks, poles, earth formations, overhead power lines, and traverse ways. Traverse ways are considered to be the heights set forth in 14 C.F.R. Part 77.23.

Subdivision means all land encompassed within one or more maps or plats of land within the city that is divided into two or more parts and are recorded in the deed, map, or real property records of the county or counties in which the land covered by the map or plat is located.

T

Temporary Lighting means lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

Title Report means a report prepared and executed by a title company authorized to do business in the state or an attorney licensed with the state, describing all encumbrances of record that affect the subdivision, together with all recorded deeds.

Towable Recreational Vehicle means a nonmotorized vehicle that:

1. Was originally designed and manufactured primarily to provide temporary human habitation in conjunction with recreational, camping, or seasonal use;
2. Qualifies to be titled and registered with the state department of motor vehicles as a travel trailer through a county tax assessor-collector; and
3. Is permanently built on a single chassis.

Tract means a piece of land subdivided, which may be subdivided into lots, parcels, or some other form of subdivision.

Tree means any type of flora and an object of natural growth.

U

Uniformity means a description of the smoothness of the lighting pattern or the degree of intensity of light and dark areas in the roadway or area to be lighted.

Z

Zoning Board of Adjustment means a board so designated by these regulations as provided in Texas Local Government Code Sec. 241.032. Provisions for the Zoning Board of Adjustment (ZBA) are set forth in this CDO at Sec. 28-6-6, *Zoning Board of Adjustment*.

APPENDIX A: AIRPORT ZONING REGULATIONS

Sec. A-1. Administrative Agency

It shall be the duty of the appropriate person or office of each of the joined political subdivisions which is responsible for the administration and enforcement of the regulations prescribed herein.

Sec. A-2. Zones

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, conical surface, horizontal surface, and transitional surfaces as they apply to the airport. Such surfaces are shown on the Houston Executive Airport Hazard Zoning Map prepared by Garver Engineers, dated May 2008, which is incorporated in and made a part of these regulations. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. **Approach Zones**. Approach zones are hereby established beneath the approach surfaces at each end of Runway 18/36 at the airport for another utility runway. The approach surface shall have an inner edge width of 550 feet, which coincides with the width of the primary surface, at a distance of 200 feet beyond each runway end, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond the end of the primary surface. The centerline of the approach surface is the continuation of the centerline of the runway.

B. **Conical Zone.** A conical zone is hereby established beneath the conical surface at the airport which extends outward from the periphery of the horizontal surface for a horizontal distance of 4,000 feet.

C. **Horizontal Zone.** A horizontal zone is hereby established beneath the horizontal surface at the airport which is a plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

D. **Transitional Zones.** Transitional zones are hereby established beneath the transitional surfaces at the airport. Transitional surfaces, symmetrically located on either side of the runway, have variable widths as shown on the Houston Executive Airport Hazard Zoning Map prepared by Garver Engineers, dated May 2008, which is incorporated in and made a part of these regulations. Transitional surfaces extend outward perpendicular to the runway centerline and the extended runway centerline from the periphery of the primary surface and the approach surfaces to where they intersect the horizontal surface. Where the precision instrument runway approach surface projects through and beyond the conical surface, there are hereby established transitional zones beginning at the sides of and at the same elevation as the approach surface and extending for a horizontal distance of 5,000 feet as measured perpendicular to the extended runway centerline.

Sec. A-3. Height Limitations

Except as otherwise provided in Sec. A-6, *Permits and Variances*, of these regulations, no structure shall be erected, altered, or replaced and no tree shall be allowed to grow in any zone created by these regulations to a height in excess of the applicable height limitations herein established for such zone except as provided in subsection (E) below. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. **Approach Zones.** Slope one foot in height for each 40 feet in horizontal distance beginning at the end of and at the same elevation as the primary surface and extending to a point 50,000 feet beyond the end of the primary surface.

B. **Conical Zone.** Slopes one foot in height for each 20 feet in horizontal distance beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation, or to a height of 518 feet above mean sea level.

C. **Horizontal Zone.** Established at 150 feet above the airport elevation, or at a height of 318 feet above mean sea level.

D. **Transitional Zones.** Slope one foot in height for each seven feet in horizontal distance beginning at the sides of and at the same elevations as the primary surface and the approach surfaces.

E. **Excepted Height Limitation.** Nothing contained in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any structure or tree to a height of up to 50 feet above the surface of the land at its location.

Sec. A-4. Land Use Restrictions

Except as provided in Sec. A-5, *Nonconforming Uses, Structures, and Trees*, of these regulations, no use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create potential bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

Sec. A-5. Nonconforming Uses, Structures, and Trees

A. **Nonconforming Uses.** Nothing contained in these regulations shall be construed as requiring changes in or interference with the continuance of any nonconforming use of land.

B. **Nonconforming Structures.** Nothing contained in these regulations shall be construed as to require the removal, lowering, or other change to any existing nonconforming structure including all phases or elements of a multiphase structure the construction of which was begun prior to the effective date of these regulations and is diligently prosecuted.

C. **Nonconforming Trees.** Nothing in these regulations shall be construed as to require the removal, lowering, or other change to any nonconforming tree. However, any nonconforming tree which grows to a greater height than it was as of the effective date of these regulations is subject to the provisions of these regulations as described in Sec. A-3, *Height Limitations*, herein above.

Sec. A-6. Permits and Variances

A. **Permits**. Any person who desires to replace, rebuild, substantially change, or repair a nonconforming structure or replace or replant a nonconforming tree must apply for and receive a permit, and the permit shall be granted. However, no permit shall be granted which would allow the establishment of an airport hazard or allow a nonconforming structure or tree to exceed its original height or become a greater hazard to air navigation than it was at the time of the adoption of these regulations. Applications for permit shall be applied to and issued by the administrative agency.

B. **Variances**. Any person who desires to erect, substantially change, or increase the height of any structure or establish or allow the growth of any tree which would exceed the height limitations set forth in Sec. A-3, *Height Limitations*, of these regulations or change the use of property in such a way as to create a hazardous condition as described in Sec. A-4, *Land Use Restrictions*, of these regulations must apply to the Board of Adjustment and receive a variance. The application for variance must be accompanied by a determination from the Federal Aviation Administration under 14 C.F.R. Part 77 as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the granting of relief would result in substantial justice, not be contrary to the public interest, and be in accordance with the spirit of these regulations.

C. **Requirements and Reasonable Conditions.**

1. *Markers or Lights.* Any permit granted may, at the discretion of the administrative agency, impose a requirement to allow the installation and maintenance of any markers or lights as may be necessary to indicate to flyers the presence of an airport hazard.
2. *Reasonable Conditions.* Any variance granted may, at the discretion of the Board of Adjustment, impose any reasonable conditions as may be necessary to accomplish the purpose of these regulations.

Sec. A-7. Joint Airport Board of Adjustment

A. **Powers.** The Joint Airport Board of Adjustment is hereby designated as the Board of Adjustment for the purposes of these regulations and shall have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the administration or enforcement of these regulations;
2. To hear and decide special exceptions to the terms of these regulations when the Board is required to do so; and
3. To hear and decide specific variances.

B. **Procedures**.

1. *Membership.* The Board of Adjustment shall be comprised of five members and shall adopt rules for its governance and procedure in harmony with the provisions of these regulations.
2. *Public Meetings.* Meetings of the Board of Adjustment shall be held at the call of the chairman and at such times as the Board of Adjustment may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses.
3. *Public Hearings*. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if any

member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board of Adjustment or in the office of the administrative agency. All such records shall be public records.

C. *Findings of Fact.* The Board of Adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of these regulations.

D. *Reversal of Administrative Decision*. The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the administrative agency, to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variance to these regulations.

Sec. A-8. Appeals

A. **Eligibility to Appeal.** Any person aggrieved or any taxpayer affected by a decision of the administrative agency made in the administration of these regulations may appeal to the Board of Adjustment if that person or taxpayer is of the opinion that a decision of the administrative agency is an improper application of these regulations. This same right of appeal is extended to each administrative agency.

B. **Procedure.**

1. *Notice of Appeal*. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment by filing a notice of appeal with the Board of Adjustment and the administrative agency specifying the grounds for the appeal. The administrative agency shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken.
2. *Stay*. An appeal shall stay all proceedings in furtherance of the action appealed unless the administrative agency certifies in writing to the Board of Adjustment that by reason of the facts stated in the certificate, a stay would, in the opinion of the administrative agency, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the administrative agency and on due cause shown.
3. *Timeframe for Appeal.* The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, and/or by attorney.
4. *Board's Judgment*. The Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative agency's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the Board of Adjustment has the same authority as the administrative agency.

Sec. A-9. Judicial Review

Any person aggrieved or any taxpayer affected by a decision of the Board of Adjustment may present to a court of record a petition stating that the decision of the Board of Adjustment is illegal and specifying the grounds of the illegality as provided by and in accordance with the provisions of Texas Local Government Code, § 241.041. This same right of appeal is extended to each administrative agency.

Sec. A-10. Enforcement and Remedies

The Joint Airport Safety Board and each jurisdictional entity may institute in a court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of these regulations or of any order or ruling made in connection with their administration or enforcement including, but not limited to, an action for injunctive relief.

Sec. A-11. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall control.

Sec. A-12. Severability

If any of the provisions of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application and, to this end, the provisions of these regulations are declared to be severable.

Sec. A-13. Adherence with State Laws

Any actions brought forth by any person or taxpayer as a result of the administration, enforcement, or the contesting of these regulations will be in accordance with the provisions of Texas Local Government Code, § 241.001 et seq. and other applicable State laws.

Sec. A-14. Effective Date

Whereas, the immediate operation of the provisions of these regulations is necessary for the preservation of the public health, safety, and general welfare, an emergency is hereby declared to exist and these regulations shall be in full force and effect from and after their adoption by the Joint Airport Safety Board.

Sec. A-15. Definitions

As used in these regulations, unless the context otherwise requires:

Administrative Agency: The appropriate person or office of a political subdivision which is responsible for the administration and enforcement of the regulations prescribed herein. The administrative agency is set forth in Sec. A-1, *Administrative Agency*, of these regulations.

Airport: Houston Executive Airport, located in Waller County, Texas; including the ultimate development of that facility.

Airport Elevation: The established elevation of the highest point on the runway, either existing or planned, at the airport measured in feet above mean sea level (MSL). The airport elevation of Houston Executive Airport is 168 feet above mean sea level (MSL).

Airport Hazard: Any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft or obstructs or interferes with the control, tracking, and/or data acquisition in the landing, takeoff, or flight at an airport or any installation or facility relating to flight, tracking, and/or data acquisition of the flight craft; is hazardous to, interferes with, or obstructs such landing, takeoff, or flight of aircraft; or is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Sec. A-3, *Height Limitations*, of these regulations. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Board of Adjustment: A board so designated by these regulations as provided in Texas Local Government Code, § 241.032. Provisions for the Board of Adjustment are set forth in Sec. A-7, *Joint Airport Board of Adjustment*, of these regulations.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each one foot vertically for a horizontal distance of 4,000 feet.

Hazard to Air Navigation: An obstruction or use of land determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.

Height: For the purpose of determining the height limits in all zones set forth in these regulations and shown on the hazard zoning map, the datum shall be height above mean sea level (MSL) elevation as measured in feet.

Horizontal Surface: A horizontal plane 150 feet above the established airport elevation which in plan coincides with the perimeter of the horizontal zone.

Nonconforming Use, Structure, or Tree: Any structure, tree, or use of land which is inconsistent with the provisions of these regulations and which is existing as of the effective date of these regulations.

Nonprecision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment that provides only horizontal guidance or area type navigation equipment. This also includes a runway for which a nonprecision instrument approach procedure has been approved or planned. Planned Runway 18R/36L is considered a nonprecision instrument runway.

Obstruction: Any structure, tree, or other object, including a mobile object, which exceeds a limiting height set forth in Sec. A-3, *Height Limitations*, of these regulations or is an airport hazard.

Other than Utility Runway: A runway designed for and intended to be used by propeller-driven aircraft of more than 12,500 pounds maximum gross weight and jet-powered aircraft. Runway 18/36 at Houston Executive Airport is considered an other than utility runway.

Person: An individual, firm, partnership, corporation, company, association, joint-stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment which provide both horizontal and vertical guidance. This also includes a runway for which a precision instrument approach procedure has been approved or planned. Runway 18/36 at Houston Executive Airport is considered a precision instrument runway.

Primary Surface: A 7,400-foot wide surface longitudinally centered on the runway extending the full length of the ultimate runway configuration plus 200 feet beyond each ultimate end of the runway. The elevation of any point on the primary surface is the same as the nearest point on the existing or ultimate runway centerline.

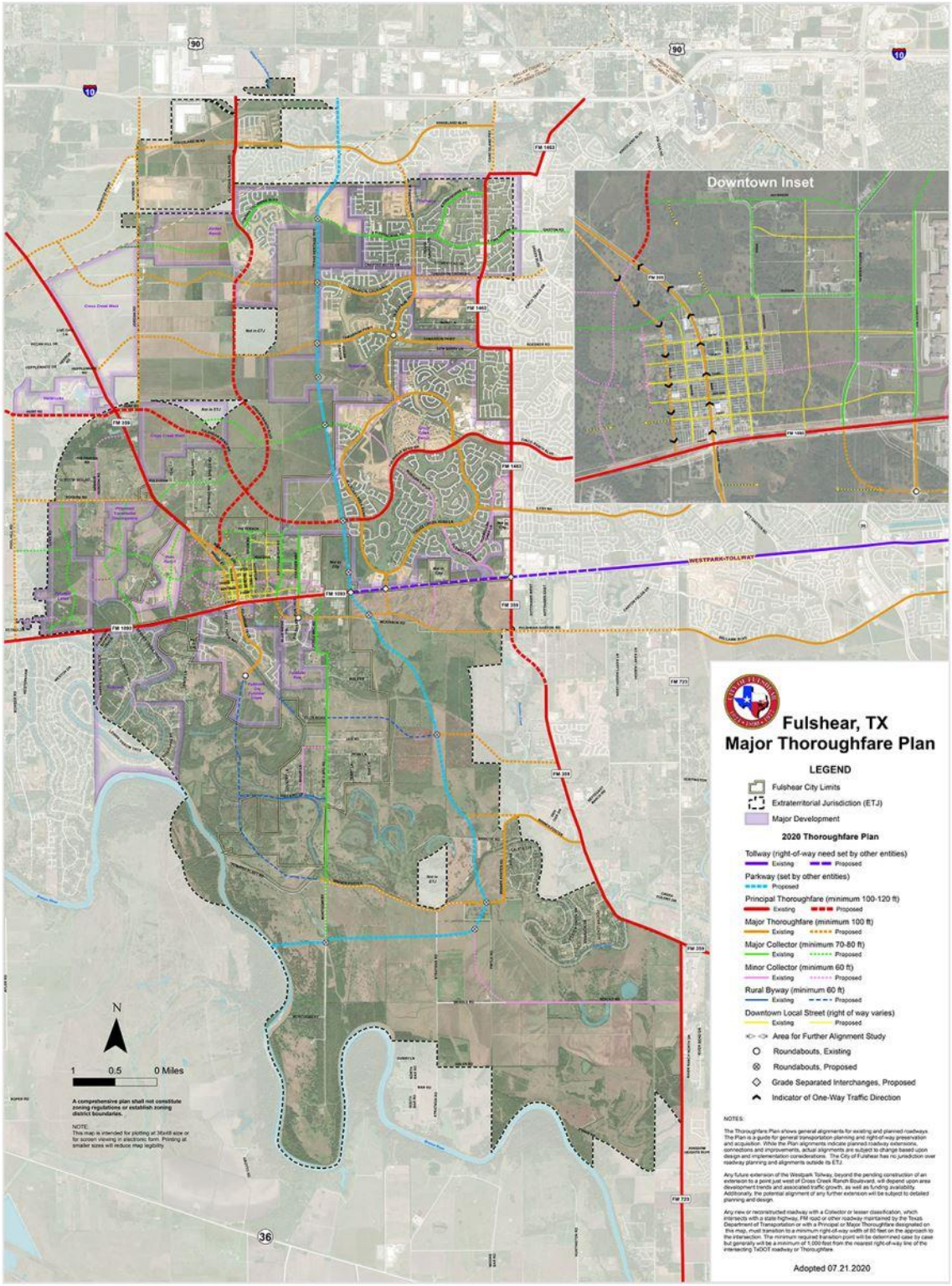
Runway: A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of Runway 18/36 at Houston Executive Airport is 6,610 feet. The length of the ultimate runway configuration of Runway 18/36 at Houston Executive Airport is 7,780 feet. The length of the ultimate parallel 18R/36L is 7,000 feet.

Structure: An object, including a mobile object, constructed or installed by man including, but not limited to, buildings, towers, cranes, smokestacks, poles, earth formations, overhead power lines, and traverse ways. Traverse ways are considered to be the heights set forth in 14 C.F.R. Part 77.23.

Transitional Surfaces: Surfaces extending perpendicular to the runway centerline and the extended runway centerline outward from the edges of the primary surface and the approach surfaces at a slope of seven feet horizontally for each one foot vertically to where they intersect the horizontal surface. Transitional surfaces for those portions of the precision approach surface which extend through and beyond the limits of the conical surface extend at a slope of seven feet horizontally for each one foot vertically for a distance of 5,000 feet measured horizontally from either edge of the approach surface and perpendicular to the extended runway centerline.

Tree: Any type of flora and an object of natural growth.

APPENDIX B: THOROUGHFARE MAP



CITY OF FULSHEAR
1824 ★ 1890 ★ 1977

APPENDIX C: PLANT LIST

Deciduous Trees	
Common Name	**Botanical Name**
Southern Sugar Maple	*Acer barbatum*
Water Hickory	*Carya aquatica*
Bitternut Hickory	*Carya cordiformis*
Pecan	*Carya lllinofensls*
Nutmeg Hickory	*Carya myristicaeformis*
Shagbark Hickory	*Carya oveta*
Black Hickory	*Carya texana*
Mockernut Hickory	*Carya tomentosa*
Sugarberry	*Celtis laevigata*
American Beech	*Fagus grandifolia*
White Ash	*Fraxinus americana*
Green Ash	*Fraxinus pennsylvanica*
Black Walnut	*Jugians nigra*
Sweetgum	*Liquidambar styraciflua*
Southern Magnolia	*Magnolia grandiflora*
Water Tupelo	*Nyssa aquatica*
Black Gum	*Nyssa sylvatica*
Sycamore	*Platanus occidentalis*
Huisache	*Acacia farnesiana*
Chalk Maple	*Acer laucoderme*
Red Buckeye	*Aesculus pavia*
Hazel Alder	*Alnus serrulata*
Devil's Walking Stick	*Aralia spinosa*
Pawpaw	*Asimine triloba*
Wooly-bucket Bumelia	*Bumelia lanuginosa*
American Hornbeam	*Carpinus caroliniana*
Redbud	*Cercis canadensis*
Fringe Tree	*Chionanthus virginica*
Cluster Cordia	*Cordia podicephala*
Flowering Dogwood	*Cornus florida*
Blueberry Hawthorn	*Crataegus brachyacantha*
Cockspur Hawthorn	*Crataegus crusgalli*
Parsley Hawthorn	*Crataegus marshallii*
May Haw	*Crataegus opaca*

Deciduous Trees	
Common Name	**Botanical Name**
Little Hip Hawthorn	*Crataegus spathulata*
Texas Haw	*Crataegus texana*
Green Haw	*Crataegus viridis*
Leatherwood	*Cyrilla racemiflora*
Texas Persimmon	*Diospyros texana*
Wild-crab-apple	*Malus angustifolia*
Southern Wax-myrtle	*Myrica ceriferae*
Bayberry Wax-myrtle	*Myrica heterophylla*
Ratama	*Parkinsonia aculeata*
Water Elm	*Planera aquatica*
Honey Mesquite Prosopis	*Prosopis glandulosa*
Flatwoods Plum	*Prunus umballata*
Buckthorn	*Rhamnus caroliniana*
Flame Leaf Sumac	*Rhus copallina*
Smooth Sumac	*Rhus glabra*
Texas Mountain Laurel	*Sophora secundiflora*
Mexican Buckeye	*Ungnadia speciosa*
Rusty Black-haw Viburnum	*Viburnum rufidulum*
Hercules Club	*Zanthoxylum cleva-herculi*
Lime Prickly Ash	*Zanthoxylum fagara*

Evergreen Trees	
Common Name	**Botanical Name**
Texas Persimmon	*Diospyros texana*
Anaqua	*Ehretia anacua*
Dahoon Holly	*Ilex cassine*
Bay-GALL Holly	*Ilex coriacea*
Ink-berry Holly	*Ilex glabra*
American Holly	*Ilex opaca*
Yaupon Holly	*Ilex vomitoria*
Eastern Red Cedar	*Juniperus virginiana*
Southern Magnolia	*Magnolia grandiflora*
Southern Wax-myrtle	*Myrica cerifera*
Bayberry Wax-myrtle	*Myrica heterophylla*
Shortleaf Pine	*Pinus echinata*
Long Leaf Pine	*Pinus palustris*
Loblolly Pine	*Pinus taeda*

Evergreen Trees	
Common Name	**Botanical Name**
Cherry-laurel	*Prunus caroliniana*
Laurel Oak	*Quercus laurifolia*
Live Oak	*Quercus virginiana*
Texas Palm	*Sabal mexicana*
Texas Mountain Laurel	*Sophora secundiflora*

Deciduous Shrubs	
Common Name	**Botanical Name**
Eastern Prairie Acacia	*Acacia angustissima*
Berlandier Acacia	*Acacia berlandiera*
Buckeye	*Aesculus glabra var. arguta*
Red Buckeye	*Aesculus pavia*
Lead Plant	*Amorpha canescens*
Indigo Bush	*Amorpha fruticosa*
Smooth Amorpha	*Amorpha laevigata*
Panicled Amorpha	*Amorpha paniculata*
Red Chokecherry	*Aronia arbutifolia*
Dwarf Pawpaw	*Asimina parviflora*
Wooly-bucket Bumelia	*Bumelia lanuginosa*
American Beautyberry	*Callicarpa americana*
Allegheny Chinquapin	*Castanea pumila*
Ashe Chinquapin	*Castanea pumila var. ashei*
Common Buttonbush	*Cephalanthus occidentalis*
Fringe-tree	*Chionanthus virginlcus*
Summersweet Clethra	*Clethra alnifolia*
Rough-leaf Dogwood	*Cornus drummondii*
Flowering Dogwood	*Cornus florida*
Parsley Hawthorn	*Crataegus marshallii*
Western Mayhaw	*Crataegus opaca*
Littlehip Haw	*Crataegus spathulata*
Oneflower Hawthorn	*Crataegus uniflora*
Texas Persimmon	*Diospyros texana*
Eastern Coral Bean	*Erythrina herbacea*
Strawberry Bush	*Euonymus americanus*
Texas Kidneywood	*Eysenhardtia texana*
Swamp Privet	*Forestiera acuminata*
Privet Foresteria	*Forestiera ligustrina*

Deciduous Shrubs	
Common Name	**Botanical Name**
Witch-hazel	*Hamamelis virginiana*
Possum-haw	*Ilex decidua*
Georgia Holly	*Ilex longipes*
Winterberry	*Ilex verticillata*
Texas lantana	*Lantana horrida*
Corkwood	*Leitneria floridana*
Leadtree	*Leucaena pulverulenta*
Common Spice Bush	*Lindera benzoin*
Southern Crab Apple	*Malus angustifolia*
Southern Joint Weed	*Polygonella americana*
Chickasaw Plum	*Prunus angustifolla*
Flatwoods Plum	*Prunus umbellata*
Common Hop Tree	*Ptelea trifoliata*
Carolina Buckthorn	*Rhamnus ceroliniana*
Piedmont azalea	*Rhododendron canescens*
Texas azalea	*Rhododendron oblongifolium*
American Elderberry	*Sambucus canadensis*
American Snow-bells	*Styrax americana*
Mexican Buckeye	*Unosa*
Arrowood Viburnum	*Viburnum dentatum*
Shiny Viburnum	*Viburnum nitidum*
Possum-haw Viburnum	*Viburnum nudum*
Blackhaw Viburnum	*Viburnum prunifolium*
Rusty Blackhaw Viburnum	*Viburnum refidulum*

Evergreen Shrubs	
Common Name	**Botanical Name**
Tall Inkberry Holly	*Ilex coriacea*
Inkberry Holly	*Ilex glabra*
Myrtle Holly	*Ilex myrtifolia*
Yaupon Holly	*Ilex vomitoria*
Virginia Sweetspire	*Itea virginica*
Sweet-bells	*Leucothoe racemosa*
Carolina Wolfberry	*Lycium carolinianum*
Southern Wax Myrtle	*Myrica cerifera*
Fragrant Sumac	*Rhus aromatica*
Palmetto	*Sabal minor*

Evergreen Shrubs	
Common Name	**Botanical Name**
Woody Glasswort	*Salicornia virginica*
Autumn Salvia	*Salvia greggii*
Sabastian Bush	*Sebastiana fruticosa*
Coral Berry	*Symphoricarpos orbiculatus*
Common Sweetleaf	*Symplocos tinctoria*
Farkleberry	*Vaccinium arboretum*
Louisiana Yucca	*Yucca louisiana*