ORDINANCE NO. 2013-1091
TABLE OF CONTENTS

Sec. 1 2
Sec. 2 2
Sec. 3 2
Sec. 4 – Special Provisions 7
Sec. 5 – Preliminary Plat Submission 10
Sec. 6 – Commission Action on Preliminary Plat Applications 16
Sec. 7 – City Council Action on Preliminary Plat Applications 17
Sec. 8 – Final Plat Submission 18
Sec. 9 – Commission Action on Final Plat Applications 23
Sec. 10 – City Council Action on Final Plat Applications 24
Sec. 11 – Development Plats 24
Sec. 12 – Amending Plats, Minor Plats, and Certain Replats 26
Sec. 13 – Replats 26
Sec. 14 – Streets, drainage ways, and other specialty easement plats 27
Sec. 15 – Expiration of Preliminary and Final Plats 27
Sec. 16 – Parkland Dedication Requirements 28
Sec. 17 – Exactions 33
Sec. 18 – City's Design Standards and Construction Standards 34
Sec. 19 – Additional regulations 46
Sec. 20 – Penalty 48
Sec. 21 – Severability 49
Sec. 22 – Repeal Clause 49
Sec. 23 – Effective date 49

ORDINANCE NO. 2013-1091

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND WITHIN THE TERRITORIAL LIMITS OF THE CITY OF FULSHEAR, TEXAS, AND THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

* * * * * * * * * * * *

WHEREAS, the City of Fulshear, Texas, ("city"), is authorized by Chapter 212 of the Texas Local Government Code to promulgate rules and regulations governing plats and subdivisions of land within the territorial limits of the city and the city's extraterritorial jurisdiction; and

WHEREAS, the city council of the City of Fulshear, Texas, finds that the rules and regulations governing plats and subdivisions of land within the territorial limits of the city and the city's extraterritorial jurisdiction promotes the health, safety, and general welfare of the city; and

WHEREAS, the city council of the City of Fulshear, Texas, further finds that the rules and regulations governing plats and subdivisions of land within the territorial limits of the city and the city's extraterritorial jurisdiction promotes the safe, orderly, and healthful development of the city; and

WHEREAS, the City of Fulshear, Texas, planning commission reviewed and approved this Ordinance governing plats and the subdivisions of land; and

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

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

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

Section 2. This Ordinance shall apply to all plats and all subdivisions of land within the territorial limits of the city and the city's extraterritorial jurisdiction, except where specifically exempted herein.

Section 3. Definitions. The following words, terms, and phrases shall have the meanings set forth below for purposes of this Ordinance:

Amending Plat shall mean a plat, signed by the property owners, which corrects an error in a course or distance shown on the preceding plat; adds a course or distance that was omitted on the preceding plat; corrects an error in a real property description shown on the preceding plat; indicates monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments; to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat; to correct any other type of scrivener or clerical error or omission previously approved by the city, including lot numbers, acreage, street names, and identification of adjacent recorded plats; to correct an error in courses and distances of lot lines between two adjacent lots if: (A) both lot owners join in the application for amending the plat, (B) neither lot is abolished, (C) the amendment does not attempt to remove recorded covenants or restrictions, and (D) the amendment does not have a material adverse

effect on the property rights of the other owners in the plat; to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; to relocate one or more lot lines between one or more adjacent lots if: (A) the owners of all those lots join in the application for amending the plat, (B) the amendment does not attempt to remove recorded covenants or restrictions, and (C) the amendment does not increase the number of lots; to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if: (A) the changes do not affect applicable zoning and other regulations of the municipality, (B) the changes do not attempt to amend or remove any covenants or restrictions, and (C) the area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area; or to replat one or more lots fronting on an existing street if: (A) the owners of all those lots join in the application for amending the plat, (B) the amendment does not attempt to remove recorded covenants or restrictions, (C) the amendment does not increase the number of lots, and (D) the amendment does not create or require the creation of a new street or make necessary the extension of city facilities.

Block shall mean 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.

City shall mean the City of Fulshear, Texas, a municipality existing pursuant to the laws of the State of Texas.

City Council shall mean the duly elected governing body of the city.

City Engineer shall mean the person authorized by the city as its engineer or his or her duly authorized representative.

Commission shall mean the planning commission of the city.

Comprehensive Plan shall mean 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.

Development Plat shall mean 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 Ordinance and is suitable for recording in the county real property records. For purposes of the development plat, the term commercial means any non-residential building including but not limited to places of worship, schools, manufacturing, and industrial buildings, structures, and improvements.

Drainage District shall mean the Fort Bend County Drainage District or the Brookshire Katy Drainage District, as applicable.

Easement shall mean 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.

Extraterritorial jurisdiction shall mean that area of land located outside the city's territorial limits, as defined in Chapter 42 of the Texas Local Government Code.

Final plat shall mean a map or drawing of a proposed subdivision prepared in conformity with this Ordinance and suitable for recording in the county real property records.

Lot shall mean 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.

Major Thoroughfare shall mean a public street which is reflected on the city's major thoroughfare plan.

Major Thoroughfare Plan shall mean the street layout plan adopted in 2004 by city council, or any amendments or changes thereto approved and adopted by the city council.

Minor Plat shall mean a plat which involves four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of city facilities.

Oversize facility shall mean a utility, facility, or infrastructure that exceeds the capacity necessary to serve the development being platted, but which the city requires be built to serve other developments.

Person shall mean any individual, partnership, association, entity, firm, corporation.

Preliminary plat shall mean a map or drawing of a proposed subdivision prepared in conformity with this Ordinance but not suitable for recording in the county real property records.

Replat shall mean a plat signed by the property owners which shows all or a portion of an existing subdivision prepared in conformity with this Ordinance, 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.

Street Dedication Plat shall mean a plat showing the location of a public street prepared in conformity with this Ordinance and suitable for recording in the county real property records.

Street, Private shall mean 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 within a subdivision.

Street, Public shall mean 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 the subdivision or to adjacent land. A public street shall include any paved improvement designed to facilitate the movement of vehicles from one point to another within a subdivision and includes all internal drives or driveways within a subdivision.

Subdivider or *Developer* shall mean any person or authorized agent thereof proposing to divide or dividing any land so as to constitute a subdivision according to this Ordinance.

Subdivision shall mean a division of land into two (2) or more a lots, tracts, reserves, parcels, sites, or other divisions of land for sale, rental, lease, conveyance, or development, now or in the future, regardless of the size of the subdivision, unless exempted per this Ordinance. Any laying or realignment of public or private streets or

other public or private access ways shall constitute a subdivision. Subdivision also shall include the resubdivision of land which is part of a previously recorded subdivision. The term subdivision includes the division of land whether by plat or by metes and bounds description.

Tract shall mean a piece of land subdivided, which may be subdivided into lots, parcels, or some other form of subdivision.

Title report shall mean a report prepared and executed by a title company authorized to do business in the State of Texas or an attorney licensed with the State of Texas, describing all encumbrances of record that affect the subdivision, together with all recorded deeds. The report shall include a legal description of the subdivision. The report shall be executed within thirty (30) days before the date an application for final plat approval is submitted to the city.

Section 4. Special Provisions.

A. Plat Approval Required.

Unless a subdivision is specifically exempted from the requirements to obtain a plat by this Ordinance:

1. It shall be unlawful for any person to 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 Ordinance.

2. It shall be unlawful for any person to 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 Ordinance.

3. It shall be unlawful for any person to 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 Ordinance.

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 Ordinance; 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.

B. Improvements. All improvements required by this Ordinance, any other city ordinance, the city's comprehensive plan, a drainage district, a county, the state, or any other governmental entity having jurisdiction over the subdivision, or any improvement which, in the judgment of the 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.

C. 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 (1) year of the date of city acceptance.

2. In the case of phased development and platting, the city may require 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.

D. Variances.

1. A variance from any such rule or regulation contained in this Ordinance may be granted by city council, only upon a good and sufficient showing by the developer that: (a) there are special circumstances or conditions affecting the property in question; (b) that the literal enforcement of the provisions of this Ordinance will deprive the developer of a substantial property right and; (c) if a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

2. Each and every variance request shall be decided solely and entirely on its own merits, and the disposition of any prior or pending variance request shall be immaterial.

3. Financial or pecuniary interests alone shall not be considered as a basis for granting a variance.

4. All variance requests shall be in writing and may be submitted with the Preliminary Plat Application but may not be submitted after the Final Plat Application or Development Plat is submitted. City Council shall determine whether to grant or deny a variance, but the commission may make a recommendation to city council regarding the granting or denial of a variance. All variance requests shall be submitted with payment to the city of a variance fee, which such fee shall be set by city council.

E. Exemption from Platting.

1. Land used for agricultural purposes only. To qualify for this exemption, a tax designation that such land is used for agricultural purposes only must be submitted to the city.

2. A subdivision of land into parts greater than five (5) acres, where each part has access and no public improvement is being or is required to be dedicated.

3. Any exemption authorized by Chapter 212 of the Texas Local Government Code.

Section 5. Preliminary Plat Submission.

A. Pre-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.

B. Preliminary Plat Application.

1. All persons desiring to subdivide land, referred to as applicant, shall submit an application for preliminary plat approval as set forth below, unless such person's subdivision is exempted from the requirements to obtain a plat by this Ordinance.

2. The applicant shall submit eight (8) copies of the Preliminary Plat Application to the commission. The application form shall be kept on file with the city secretary and shall be in a form approved by the commission.

C. Preliminary Plat Application Submittal Time and Date. A Preliminary Plat Application should be submitted to the commission not later than 5:00pm on the third Monday before the commission's next regularly scheduled meeting.

D. Preliminary Plat Application; Required Documents. 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.

2. Copies Required. A Preliminary Plat Application shall contain eight (8), twenty-four inch by thirty-six inch (24" x 36") paper prints of the original plat drawing, reproduced on white paper with blue or black lines, each of which shall be folded to eight and one-half inches by fourteen inches (8-1/2" x 14"). 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, right-of-ways, 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 the drainage district.

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. Texas Department of Transportation. A Preliminary Plat Application shall contain a permit or a no objection letter from the Texas 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. A Preliminary Plat Application shall contain any other documents the city may require to determine compliance with the standard of this Ordinance.

E. Form and Content of Preliminary Plats. All preliminary plats submitted to the commission 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(s) of the owner(s) 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 one hundred feet (1":100'), or for projects less than ten (10) acres the scale acceptable for a preliminary plat shall be one inch equals fifty feet (1":50');

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, water courses, and similar features in all directions from the subdivision to a distance of at least one-half (1/2) 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 worship, schools, parks, bayous, drainage ways, acreage, and all existing streets, easements, pipelines, and other restricted uses;

12. The location and approximate width of existing and proposed water courses, 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 of Texas;

13. Contours with intervals of five-tenths foot (0.5'), referred to sea level (U.S. Coast and Geodetic Survey) datum, as required to show at least two (2) contours within and adjacent to the subdivision. If the change in elevation throughout the subdivision is less than one foot (1'), 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 designed "Restricted Reserve." Specific uses include but are not limited to single-family residential, utility, places of worship, 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, 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 two hundred (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(s), and the plat shall contain a note that such street(s) will be dedicated to the city. Furthermore, the developer shall build such street(s) in accordance with the city's standards. The city may conduct an individualized determination as to the amount of the street required to be dedicated to the city as set forth in Section 17 of this Ordinance.

17. The location of all lots, blocks, building setback lines, and other features, within the subdivision, with approximate dimensions; and

18. The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, building lines, reserves, and parks with principal dimensions.

19. All parkland dedications as required by this Ordinance.

Section 6. Commission Action on Preliminary Plat Applications.

A. The commission shall review each Preliminary Plat Application, except for amending plats, minor plats, and certain replats. The commission shall approve a Preliminary Plat if it is in compliance with all provisions of this Ordinance and other rules and regulations adopted by the city council governing plats and the subdivision of land. The commission shall review and act on Preliminary Plat Applications within thirty (30) days from the date the Preliminary Plat Application is postmarked or hand delivered to

the city as required by Texas Local Government Code Chapters 212 and 245. Within these time constraints, the commission may take the following actions:

1. Grant plat approval with or without conditions; or

2. Disapprove any plat if the commission determines that such plat fails to comply with this Ordinance or other rules or regulations adopted by the city council governing plats or the subdivision or land.

B. Effect of Disapproval of Preliminary Plat by Commission. If the commission disapproves a Preliminary Plat, the applicant shall have the choice of withdrawing the plat to correct any deficiencies, and then resubmitting such plat to the commission, or the applicant may continue the plat application process, with a negative recommendation, to city council.

C. Certification for Disapproval. If the commission disapproves a Preliminary Plat and the applicant requests, in writing, a written certification stating the reasons for the disapproval, the commission shall have a written letter prepared certifying the reasons for the disapproval.

Section 7. City Council Action on Preliminary Plat Applications.

A. If the commission grants Preliminary Plat approval or if the commission disapproves a Preliminary Plat and the applicant decides to continue with the platting process, then the city council shall review each plat submitted to it by the commission. city council shall approve any plat if it is in compliance with this Ordinance and other rules and regulations adopted by the city council governing plats and the subdivision of land. City Council shall review and act on Preliminary Plats within thirty (30) days after

the date the commission approves or disapproves the Preliminary Plat. Within these time constraints, city council may take the following actions:

1. Grant plat approval with or without conditions; or

2. Disapprove the plat if the city council determines that such plat fails to comply with the policies, standards, or requirements contained in this Ordinance or other rules or regulations adopted by city council governing plats or the subdivision of land.

B. Certification for Disapproval. If the city council disapproves a Preliminary Plat and the applicant requests, in writing, a written certification stating the reasons for the disapproval, the city council shall have a written letter prepared certifying the reasons for the disapproval.

Section 8. Final Plat Submission.

A. Final Plat Application.

1. After receiving a Preliminary Plat decision from both the commission and city council, all persons desiring the subdivide land, referred to as applicant, shall submit an Application for Final Plat approval as set forth below, unless such person's subdivision is specifically exempted from the requirements to obtain a plat by this Ordinance.

2. The applicant shall submit eight (8) copies of the Final Plat Application to the commission. The Application form shall be kept on file with the city secretary and shall be in a form approved by the commission.

B. Final Plat Application Submittal Time and Date. A Final Plat Application should be submitted to the commission not later than 5:00 pm on the third Monday before the commission's next regularly scheduled meeting.

C. Final Plat Application; Required Documents. A Final Plat Application shall contain the following documents:

1. Filing Fees. A Final 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.

2. Copies Required. A Final Plat Application shall contain eight (8), twenty-four inch by thirty-six inch (24" x 36") paper prints of the original plat drawing, reproduced on white paper with blue or black lines, each of which shall be folded to eight and one-half inches by fourteen inches (8-1/2" x 14"). 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.

3. All Final Plat Applications shall contain the documents listed in Section 5 of this Ordnance as well as the following:

a. Title Report.

b. 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 Texas Commission on Environmental Quality or other applicable law prior to final plat approval.

c. Drainage District. A Final Plat Application shall contain a copy of the "Approval Form" from the drainage district.

d. 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 the traffic impact study to forecast five (5) 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.

e. 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.

D. Form and Content of Final Plat. All final plats shall be in the form as set forth below and contain the following:

1. The final plat shall be drawn on stable plastic film, such as mylar or positive photographic film, with black lines and image and shall be made suitable for the reproduction of direct positive prints and reproductions. The names of all persons signing any such plat shall also be lettered under the signature line. Two (2) paper prints from the original plat drawing (white paper with blue or black lines) and one (1) positive vellum or film transparency shall also be provided. The city shall file all approved final plats in the county real property records after (a) completion by the

developer of all improvements required as a condition of plat approval and acceptance of such improvements by the city council or (b) the filing of a sufficient guarantee of performance by the developer in accordance with this Ordinance;

2. Scale for a final plat shall be one inch equals one hundred feet (1":100');

3. All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to full dimensions along all boundaries of the plat, street and alley rights-of-way, easements, drainage ways, gullies, creeks, bayous, together with the location of the high bank of such drainage ways and water courses, lots, blocks, reserves, out tracts, or any other tracts designated separately within the plat boundaries, fee strips, or any other physical or topographical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;

4. Tracts, sites, or reserves designated for places of worship, schools, parks, utilities, drainage, landscaping, sewage disposal, water plants, or other specific uses shall be designated;

5. The name and seal of the Registered Professional Land Surveyor or Registered Professional Engineer responsible for preparing the plat;

6. The date of submittal or the date of submittal of each subsequent revision;

7. All streets and alleys with street names, or other rights of way, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C., and P.T.) length and bearing all tangents between curves;

8. Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision and adjacent thereto;

9. All field surveys shall be accurate to, and performed in accordance with the appropriate provisions of the current edition of the Manual of Practice Standards for Surveying in Texas, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimal fractions thereof of a foot; angular dimensions may be shown by bearings in degrees, minutes, and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve;

10. Existing sewers, water and gas mains, culverts, bridges, pipelines, structures, or public utilities within the subdivision and immediately adjacent thereto with pipe sizes, grades, and locations indicated; and

11. The intended use of all lots within the subdivision shall be identified on the plat. All tracts not designated as lots within the boundaries of the plat shall be identified as provided herein.

12. All parkland dedications as required by this Ordinance.

Section 9. Commission Action on Final Plat Applications.

A. The commission shall review each Final Plat Application. The commission shall approve a Final Plat if it is in compliance with this Ordinance and other rules and regulations adopted by the city council governing plats and the subdivision of land. The commission shall review and act on Final Plat Applications within thirty (30) days from the date the Final Plat Application is postmarked or hand delivered to the city as required by Texas Local Government Code Chapters 212 and 245. Within these time constraints, the commission may take the following actions:

1. Grant plat approval with or without conditions; or

2. Disapprove any plat if the commission determines that such plat fails to comply with this Ordinance or other rules or regulations adopted by the city council governing plats or the subdivision or land.

B. The commission discourages final plat approval with conditions and will only grant final plat approval with conditions when applicant can demonstrate extraordinary hardship.

C. Effect of Disapproval of Final Plat by Commission. If the commission 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 commission, 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.

D. Certification for Disapproval. If the commission disapproves a Final Plat and the applicant requests, in writing, a written certification stating the reasons for the

disapproval, the commission shall have a written letter prepared certifying the reasons for the disapproval and shall formally adopt any such certification.

Section 10. City Council Action on Final Plat Applications.

A. If the commission grants Final Plat approval or if the commission 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 commission. City Council shall approve any plat if it is in compliance with this Ordinance 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 thirty (30) days after the date the commission approves or disapproves the Final Plat. Within these time constraints, city council may take the following actions:

1. Grant plat approval with or without conditions; or

2. Disapprove the plat if the city council determines that such plat fails to comply with this Ordinance or other rules or regulations adopted by the city council governing plats or the subdivision of land.

B. The city council discourages final plat approval with conditions and will only grant final plat approval with conditions when applicant can demonstrate extraordinary hardship.

C. Certification for Disapproval. If the city council disapproves a Final Plat and the applicant requests, in writing, a written certification stating the reasons for the disapproval, the city council shall have a written letter prepared certifying the reasons for the disapproval and shall formally adopt any such certification.

Section 11. Development Plats.

A. The city council hereby elects to also be covered by "Subchapter B. Regulations of Property Development" found in Chapter 212 of the Texas Local Government Code.

B. Development Plat Required.

1. Any person who proposes the development of a commercial tract of land located within the city limits or the city's extraterritorial jurisdiction shall follow the plat procedures of Sections 5-10.

2. A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

a. each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;

b. each easement and right-of-way within or abutting the boundary of the surveyed property; and

c. the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

3. New development may not begin on the property until the development plat is filed with and approved by the city in accordance with this Section.

4. If a person is required by Sections 5-10 to file a subdivision plat, a development plat is not required to be filed with the city.

5. The city shall approve a development plat if the plat conforms to this ordinance and any other ordinance of the city concerning current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities.

Section 12. Amending Plats, Minor Plats, and Certain Replats.

A. The city delegates to the city engineer 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 Sections 5-10.

B. The city engineer may elect to have the commission and city council approve any amending plat, minor plat, or replat which he is authorized to approve.

C. The city engineer shall have no authority to disapprove an amending plat, minor plat, or replat. If the city engineer does not approve an amending plat, minor plat, or replat, then the city engineer shall submit the plat to the commission and the procedures of section 5-10 shall apply.

D. The city engineer and city administrator shall sign all approved amending plats, minor plats, and replats for recording in the county real property records.

E. The city engineer shall have the authority to approve replats which do not require the creation of any new street or the extension of city facilities if the replat (1) is signed and acknowledged by the property owners of the property being replatted; (2) involves of property of less than one acre that fronts an existing street and that is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention.

Section 13. Replats.

Except for certain replats defined by Section 12 above, Replats shall comply with the plat procedures set forth in Section 5-10.

Section 14. Streets, drainage ways, and other specialty easement plats.

Streets, drainage ways, and other specialty easement plats shall comply with the plat procedures set forth in Section 5-10.

Section 15. Expiration of Preliminary and Final Plats.

A. All plat applications shall expire forty-five (45) days after the application is filed with the city if the applicant fails to provide documents or other information necessary to comply with the city's technical requirements relating to the form and content of the plat application. The city shall provide the applicant not later than the 10th business day after the date the application is filed with the city written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided. If the city provides the applicant with notice of deficiencies as required by this subsection, the thirty (30) day timeframe in which the commission must approve or disapprove a plat will not commence until the applicant provides the city with the necessary documents or other information as set forth in the notice.

B. All preliminary plats shall expire on the second (2nd) anniversary of the date in which the preliminary plat was approved if no progress has been made toward completion of the project.

C. All plats, not recorded, shall expire on the second (2nd) anniversary of the date in which the plat was approved if no progress has been made toward completion of the project.

D. For the purpose of plat expiration "no progress" has the meaning assigned by Texas Local Government Code Chapter 245, as amended.

Section 16. Parkland Dedication Requirements.

A. Purpose.

1. The purpose of this Section is to provide 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. It is hereby declared that recreational areas in the form of neighborhood parks, regional parks, and trail systems are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and development property or subdivisions within the city.

2. 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.

3. 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.

4. Parks dedicated to a municipal utility district shall be considered public parks.

B. Land to be used for single-family, duplex, or multifamily residential purposes.

1. Whenever a final plat is filed in the county real property records for development of a residential area in accordance with this Ordinance, 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 (1) acre for each sixty (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. In instances where an area of less than five (5) acres is required to be dedicated, the city shall accept or reject the dedication of such public park within sixty (60) days following approval of the preliminary plat after consideration by the commission and the city council. 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, as provided by paragraph C of this Section.

3. 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 amount provided by paragraph C of this Section.

C. Money in lieu of land dedication for neighborhood parks.

1. Subject to approval of the city council and the provisions of paragraph B above, a developer responsible for dedication of neighborhood parkland under this Section may elect to meet the requirements of paragraph B of this Section, in whole or in part, by a cash payment in lieu of land, in the amount of three-hundred and fifty dollars ($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: "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 under the provisions of Ordinance No. 2013-1091, has been submitted to and accepted by the city." 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 Ordinance submitted to and accepted by the city.

2. 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 (a) the average price per acre of such land, and (b) the actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the Mayor. Once the city has been reimbursed entirely for all such park lands within a park zone, this paragraph shall cease to apply, and the other paragraphs of this Section shall again be applicable.

3. To the extent that paragraph C.2 of this Section is not applicable, the dedication requirement shall be met by a payment in lieu of land computed on the basis of four hundred fifty dollars ($450.00) per dwelling unit.

D. Private neighborhood park land in lieu of dedicated park land.

1. A developer responsible for dedication under this Section may elect to meet up to fifty percent (50%) of the requirements of paragraph B of this Section by the provision of private neighborhood park land. Credit for private park land will be governed by the following criteria:

a. 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.

b. 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.

c. 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.

(1) Pipeline or utility easements, or areas along lake borders and drainage ditches shall have:

a) 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;

b) An average minimum width of thirty feet (30') and a minimum width of twenty feet (20'); and

c) Side slopes not to exceed a three to one (3:1) ratio, unless otherwise approved by the city.

2. Maintenance responsibility for areas offered as private neighborhood park land must be identified with the submission of a preliminary plat.

3. 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.

E. 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 four hundred fifty dollars ($450.00) per dwelling unit for the development of regional parks.

F. Special funds, right to refund.

1. 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. The city shall account for all sums paid in lieu of park land dedication under this Section 16 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.

G. Additional requirements, definitions.

1. Any land dedicated to the city or provided as private neighborhood park land under this Section 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 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. Each park must have ready access to a public street.

Section 17. Exactions.

A. If 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.

B. A developer who disputes the determination made under subsection (A) may appeal to the city council. At the appeal, the developer may present evidence and testimony under procedures adopted by the city council. After hearing any testimony and reviewing the evidence, the city council shall make the applicable determination within thirty (30) days following the final submission of any testimony or evidence by the developer.

C. A developer may appeal the determination of the city council to a county or district court of the county in which the development project is located within thirty (30) days of the final determination by the city council.

Section 18. City's Design Standards and Construction Standards.

A. Compliance with Design Standards. No plat shall be approved by the commission or city council unless such plat and development complies with the city's Design Standards and the city's Construction Standards. The city's Design Standards are set forth in this Section. The city's Construction Standards are attached to this Ordinance and incorporated herein for all purposes as Exhibit "A."

B. Public Streets -General Arrangement and Layout. 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.

C. Streets: Specific Standards.

1. Public or Private Ownership. Streets shall be designed and constructed to comply with the city's Design Standards regardless of whether such streets are to be dedicated to the public or retained in private ownership. Private streets shall be allowed only upon city council approval.

2. Right-of-Way Width. The right-of-way width to be dedicated for a major thoroughfare shall be at least one hundred twenty feet (120'). The right-of-way width to be dedicated for all other streets shall be at least sixty feet (60'); provided, however, the city council may allow a street right-of-way width of less than sixty feet (60') but not less than fifty feet (50') with such exception being allowed only for streets with storm sewers that are not on open ditches or if the street is so located that it

logically could not be extended to connect with an existing, approved, proposed or possible future street.

3. Lots Required to Front on Street. All lots shall abut a public or private street. All lots shall have indicated thereon the front of the lot for subsequent construction of a building. Adequate off-street parking shall be provided for each lot.

4. Curves and Intersections. Curves along streets shall have a center line radius of not less than forty feet (40'), except that the center line radius on a reserve curve shall not be less than three hundred feet (300'). Reserve curves should be separated by a tangent distance of not less than fifty feet (50'). The angle of street intersections shall not vary more than ten degrees (10) from the perpendicular. Where acute angle intersections are approved, a radius of at least twenty-five feet (25') in the right-of-way line at the acute corner shall be provided.

5. Cul-de-Sac Right-of-Way Radii. The radii of the right-of-way at the end of streets terminated with a circular cul-de-sac turnaround shall be not less than fifty feet (50').

6. 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.

7. 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 Texas Manual on Uniform Traffic Control Devices.

8. Ingress/Egress. At least one (1) ingress/egress point shall be provided for each one hundred fifty (150) dwelling units, or fraction thereof within the subdivision. All commercial subdivisions or development shall have at least one (1) ingress/egress point for each commercial floor space under 7,500 square feet and at least two (2) ingress/egress points for each commercial floor space that is 7,500 square feet or greater. Therefore, every commercial floor space that is 7,500 square feet or greater shall have ingress/egress points calculated based the number of commercial floor space divided by 7,500 and multiplied by 2. "Ingress/egress point" shall include future planned roadways, so that if a street is provided to end at the boundary of the subdivision, such shall count for ingress/egress even though the actual road is not constructed.

D. Street Names. All streets shall be named and conform with the following:

1. New Streets. New streets shall not duplicate existing street names other than extensions of existing streets;

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;

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; and

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.

E. One-Foot Reserves. In those instances where a public street is dedicated by a plat and such public street forms a stub street onto adjacent unplatted property, or where such street lies along and parallel with a subdivision boundary and is adjacent to unplatted property, a one-foot wide reserve shall be established within the street right-of-way at its "dead-end" terminus, or along the right-of-way adjacent to such unplatted property, to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent unplatted property to prevent access to such public street from the adjacent unplatted property, unless and until the city approves a plat of the adjacent unplatted property. The plat shall state the following:

> "One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent property, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes."

F. Easements.

1. 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 water, electrical power, natural gas, telephone, telegraph, cable television, internet, telecommunications,

and sanitary sewer services. Utility easements 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.

a. Location. Utility easements, excluding special use utilities such as natural gas, telephone, electric power, and cable, shall be provided along the front of all lots, except when the commission or city council determines that such location is not feasible. Utility easements located along the boundaries of a subdivision shall contain the full width required for such easement, except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted, or where additional easement width is dedicated by separate instrument by the owner of said adjacent property. In such cases, one-half (1/2) of the required easement width shall be dedicated within the platted boundary with the other one-half (1/2) provided outside the platted boundary by separate instrument, or through notation on the plat certifying the ownership and dedication of said easement.

b. Widths. All utility easements, including special use utilities such as natural gas, telephone, electric power, and cable in a subdivision shall be at least fifteen feet (15') in width; provided, however, the city council may allow a lesser width amount if the utility provider sends a written request of such to the city council.

c. Limitations. Aerial easements over utility easements shall be limited to transformers, amplifiers, and other similar devices that cannot be placed below grade.

2. Drainage Easements. All drainage easements shall be depicted on the plat and shall be located to accommodate the drainage requirements necessary for the proper development of the subdivision and accommodating any natural watershed outside the subdivision. All drainage easements shall conform with the city's comprehensive plan, the city's regulations governing storm drainage and flood control, the requirements of any applicable drainage district, and any other governmental agency having jurisdiction over drainage or flood control within the subdivision. Drainage easements shall be kept clear of fences, buildings, structures, improvements, obstructive vegetation, and other obstructions and a plat note shall state such.

3. Private Easements, Fee Strips.

a. Existing Easements, Fee Strips. All easements or fee strips created prior to the subdivision shall be shown on the plat with notations indicating the name, purpose, facilities, dimensions, and recording information of such easement or fee strip. For easements not been defined by accurate survey dimensions such as "over and across" type easements, the subdivider shall request easement holder to survey the easement. If the easement holder does not provide a survey, the plat shall provide accurate information as to the center line location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights. Building setback lines shall at least fifteen feet (15') from and parallel to both sides of the centerline of all pipelines and other utility facilities.

b. 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 commission that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street right-of-way. 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.

G. Building Setback Requirements. No plat shall be approved unless building setback lines conform with the following standards, all of which shall be measured from the property line:

Front: Twenty-five (25) feet; except cul-de-sac lots which may be twenty feet (20). Cul-de-sac lots are lots adjacent to the actual cul-de-sac beginning at the curve of the street and do not consist of all lots on a cul-de-sac street;

Side: Seven and ½ feet at a minimum or twenty percent (20%) of the lot width on each side; and

Corner lots: Twenty-five (25) feet on the front; Fifteen (15) feet on street side; Seven and ½ feet on inner lot line side at a minimum or twenty percent (20%) of the lot width on inner lot line.

Exceptions: Master planned communities consisting of a development of at least 1,500 acres which will result in the construction of more than 700 single-family residential homes may plat not more than five (5%) percent of the development with side set-backs of zero feet on one side and ten (10) feet on the other side to allow for the construction of specialty housing products. Further, the front building lines for such lots allowed under this exception shall be twenty (20) feet. Such exceptions shall be allowed so long as the portion of the development in which specialty housing products are to be located is platted as a single section of development that has uniform lots sizes throughout the development.

H. Reserve Tracts. "Unrestricted reserves" shall be replatting at the time of future development if being subdivided into residential lots, multi-family, or commercial uses.

1. Street Access. Reserves shall have access to a public street.

2. Identification and Designation. Reserves are to be identified by alphabetical letters along with an indication as to the total acreage of such reserves.

I. 1. General Lot Design, Arrangement, and Layout. Lots shall conform with the following:

a. be of sufficient size and shape to accommodate easements for all utility services and facilities to adequately serve any improvements constructed thereon;

b. be of sufficient size and shape and so located that direct vehicular access is provided from a public or private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent public or private street right-of way;

c. be of sufficient size and shape to accommodate all required improvements and detention areas; and

d. The average lot size in a residential development shall equal or exceed 8,000 square feet with a minimum lot size of 6,000 square feet. In calculating the average lot size, only the actual lots in the subdivision or development as shown in the total build out in each development agreement shall count and not green space, drainage areas, streets or roads, or other such areas. In no event, shall any single-family lot be less than 6,000 square feet.

1. Lot Shapes. Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

2. Key or Flag Shaped Lots. A key or flag shaped lot shall mean a lot having gross disparities in width between side lot lines, sometimes resembling a flag on a flag pole, a key, or some other lot shape of comparable irregularity. Key or flag shaped lots shall be allowed if otherwise in compliance with the minimum lot size

requirements of this Ordinance and other applicable ordinances of the city and provided that any such lot is at least fifty feet (50') in width at its building set-back line.

3. 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.

4. 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.

J. Potable Water and Sanitary Sewer systems required. Potable Water and sanitary sewer systems shall be designed and constructed in accordance with the applicable standards of the city, county, the State of Texas, and any Municipal Utility District (MUD), as applicable. Each lot within a proposed subdivision shall be connected to a potable water n system and a sanitary sewer system. Individual residential lots of one acre or more in size may have private water wells if properly permitted. Individual residential lots of one acre or more in size may have a septic tank system if properly permitted. Regardless of the size of the lot, any lot within three-hundred feet (300') 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.

K. Monuments and Markers.

1. Iron rods, five-eighths inches (5/8") in diameter and three feet (3') long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter inch (1/4") in diameter embedded three inches (3") 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 twelve inches (12") below the finished ground level.

2. Lot markers shall be five-eighths inch (5/8") or greater reinforcing bar, twenty-four inches (24") 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.

3. Where no bench mark is established or can be found within three hundred feet (300') 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.

L. Street Lighting.

1. 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. The city will order all street lights and the subdivider shall pay the costs of

the street lights directly to the manufacturer after being provided with an invoice from the city. If subdivider requests ornamental poles with underground service, then the electric utility provider shall install such poles at the time other electric service is installed.

2. The subdivider shall pay the monthly operating costs of street lights until seventy-five percent (75%) of the lots of a platted phase subdivision are occupied and on the city tax rolls.

Section 19. Additional regulations.

1. Inspection of Construction. The city engineer, or his duly authorized representative, shall inspect any and all phases of the construction of improvements for each subdivision. The subdivider shall pay to the city an inspection fee in the amount of one (1) percent of the total cost of construction. The subdivider shall maintain regular contact with the city engineer during construction of improvements. No sanitary sewer, water, or storm sewer pipe shall be covered, no flexible base material, sub grade material, or stabilization shall be applied to the street sub grade, and no surface material shall be applied to the base, without the written approval of the city engineer. The city engineer 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 Ordinance have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation. The subdivider shall engage a Texas Registered Professional Engineer who shall be in responsible for all phases of the design and construction of the required improvements.

2. Guarantee of Performance. No plat shall be filed in the county real property records and no building, electrical, mechanical, plumbing, certificate of occupancy, or any other permit issued by the city will be issued until:

a. such time as the subdivider has constructed required improvements and the city council has accepted such required improvements; or

b. such time as subdivider opens an escrow account sufficient to pay for one hundred twenty percent (120%) of the estimated cost of required improvements as determined by the city engineer computed on a private commercial rate basis and subdivider provides to the city evidence of such escrow account. Additionally, subdivider shall enter into a written agreement with the city by which the subdivider 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 subdivider fail or refuse to install the required improvements within the time stated in such written agreement. Upon written approval of the city engineer that the subdivider has made required improvements, subdivider may draw upon the escrow account so long as sufficient funds remain in the escrow account to complete any required improvements not yet made. 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 subdivider; or

c. such time as the subdivider files a corporate surety bond with the city 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 one hundred twenty

percent (120%) of the estimated cost of required improvements as determined by the city engineer computed on a private commercial rate basis guaranteeing the installation of such required improvements by the subdivider within the time stated in the bond, which time shall be fixed by the city council.

3. Maintenance of Dedicated Improvements. 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. The subdivider shall maintain all improvements for a period of one (1) year following acceptance by city council. Such one (1) year of required maintenance shall not begin until subdivider files with the city either a 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 one hundred percent (100%) of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for such one (1) year period, or a cash bond, in an amount equal to one hundred percent (100%) of the cost of installation of such improvements, likewise warranting that said improvements will render satisfactory operation for such one (1) year period.

Section 20. *Penalty.*

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

separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 21. *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 22. *Repeal Clause.*

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

Section 23. *Effective date.*

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

PASSED, APPROVED and ADOPTED this, the 19th day of February, 2013.

Thomas C. Kuykendall Jr.

Thomas C. Kuykendall, Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary

CITY OF FULSHEAR
SUBDIVISION ORDINANCE

1.00 CONSTRUCTION STANDARDS

1.01 Minimum Requirements

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 of Fulshear. These standards are supplementary to the City's subdivision development ordinance, including subsequent amendments.

1.02 Street Paving

The following minimum standards apply to subdivision street paving:

1. Type. Six (6) inches of reinforced concrete surface with concrete curb and gutter.

2. Pavement Width.

   a. Major streets - Forty-four feet (44') to sixty-four feet (64') between back of curbs.

   b. Secondary street - Thirty-eight feet (38') to forty-four feet (44') between back of curbs.

   c. Residential streets - Twenty-eight feet (28') to thirty-two feet (32') between back of curbs.

3. Cross Section. A standard cross section for a residential street is shown in the City's standards paving detail sheet. Cross sections for secondary and major streets shall be proportioned similarly. At intersections, curb return radius shall be twenty-five feet (25'); at cul-de-sacs, forty-five feet (45').

4. Concrete.

   a. Reinforcing Steel.

      1) Material - open hearth new billet steel.

      2) Yield strength - 60,000 psi, minimum.

3) Splices - twenty-four (24) bar diameters.

4) Bar size and spacing - No. 3 bars at eighteen inch (18") centers, each way, minimum. Street should be designed based upon the subgrade and load use of street.

5) Bar support - metal or plastic "chairs" shall be used to hold bars in position during placement of concrete.

b. Concrete Mixture.

1) Compressive Strength – 3, 000 psi, minimum at twenty-eight (28) days.

2) Slump – four and one-half inches (4-1/2") maximum.

3) Cement factor - 5.0 bags per cubic yard, minimum.

c. Cement. Type I (Normal) Portland Cement, or with City Engineer's approval, Type III (High Early Strength).

d. Aggregate. Coarse and fine aggregate shall meet the requirements of Texas Highway Department Standard Specification "Item 360" for concrete pavement.

e. Jointing.

1) Expansion joints with sleeved load transmission dowels - at intersections. Also every eighty (80) linear feet, minimum.

2) Wood joints - sound heart redwood.

3) Joint seal - O.A. 90 asphalt or other types with approval.

f. Curing. Curing method shall retain at least ninety-seven percent (97%) of moisture at twenty-four (24) hours, at least ninety-five percent (95%) at three (3) days, and at least ninety-one percent (91%) at seven (7) days. (ASTM procedure C-5).

g. Test. Compressive strength - three (3) cylinders every 50 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 thirty-eight (38) degrees F or below; when air temperature is below forty-two (42) degrees F and declining; when finishing cannot be completed during natural daylight,

5. Subgrade.

a. Rolling machinery - all subgrade shall be rolled.

b. Density required - at least ninety-five (95%) percent of maximum density (Standard Proctor Density Test).

c. Lime stabilization - required when Plasticity Index (P.I.) of subgrade soil exceeds 18.

d. Cement stabilization - Required when low P.I. "spongy" or wet soils.

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 - at two hundred (200) linear foot intervals, or closer when requested by City Engineer. Density tests shall be "staggered" across the width of the pavement. At no point should density tests be taken in a straight line. At least one density test must be taken on the outside edge of the pavement in cul-de-sacs.

1.03 Sidewalks

Sidewalks shall meet the following minimum standards:

a. Dimensions.

1) Width – four feet (4'), zero inches (0"), minimum.

2) Thickness – zero feet (0') four inches (4"), minimum.

b. Subgrade. Two inches (2") of compacted sand.

c. Cross Slope. One-fourth inch (1/4") per foot, toward curb. Slopes on sidewalks must be ADA compliant.

d. Reinforcing shall be #3 rebar at no greater than 18" C-C or #10-6x6 welded wire mesh supported by either chairs or c.m.u. bricks.

e. Load transmission devices (dowels) shall be #4 rebar, 12" long, embedded 6" either side of expansion joint, one end shall be sleeved. Set load transmission devices 12" C-C, maximum.

f. Expansion joints are to be spaced 10' C-C and are to be sound heart redwood, ¾" thick with OA 90 asphalt or approved sealer.

g. Control joints are to be cut (1/4 x ½") at no greater than 5' C-C spacing

h. Location. As per Figure 1, as shown on standard detail sheet.

1.04 Water System

The following minimum standards apply to water system extensions within the City of Fulshear.

1. Main Lines.

   a. Minimum diameter – six inches (6").

   b. Depth – three feet (3'), six inches (6") of cover below final grade

   c. Material – C-900 PVC DR18 or C-905 PVC DR-18 for pipe larger than 12".

   d. Location – as shown on Standard Detail Sheet. Mains shall be looped with no dead ends serving more than four (4) lots.

   e. Mains shall be looped with no dead end serving more than four (4) lots.

2. Valves.

   a. Locations – At tees: two (2) valves. At crosses: three (3) valves. At each connection to existing water system: one (1) valve.

   b. Type – non-rising stem, O-rings seals, Mueller or Clow brand. Counter-clockwise opening, mechanical joint.

3. Fire Hydrants.

   a. Locations – at each street intersection and cul-de-sac end. Single family residential areas: six hundred foot (600') intervals, maximum, Commercial, including reserves: three hundred foot (300') intervals, minimum.

   b. Type – Mueller brand, 3-way 5-1/4" barrel with 4-1/2" steamer (pumper) nozzle and two (2) 2-1/2 inch hose

nozzles. Counter-clockwise opening, mechanical joint. Each fire hydrant is to have an individual gate valve (with adjustable riser box) located within 4 feet of the fire hydrant.

4. Fittings.

   a. Material – cast iron, cement lined, mechanical joint. All fittings are to be thrust blocked with concrete. All fittings are to be wrapped with plastic or similar materials to prevent concrete from adhering to the mechanical joint connection components.

   b. Pressure rating – 250 psi.

5. Services.

   a. Corporation stop – Mueller H-15000.

   b. Curb stop – 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 required – Mueller H-10890G.

   d. Pipe material – soft copper or polyurethane.

   e. Size – 1", one per each residential lot.

   f. Concrete or plastic meter box of appropriate size is required.

   g. All curbs are to be marked to indicate the location of the water services for each individual lot.

6. Backfill.

   a. Under streets – wrap water line with 6" layer of bank sand; remainder of trench to be filled with 1.0 sack (100 psi) per cubic yard cement stabilized sand, compacted to 95% Proctor.

   b. Other locations – wrap water line with a 6" layer of bank sand; 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 are to be compacted to 95% Standard Proctor.

1.05 Sanitary Sewer System

All homes must be connected to the City's central sanitary sewer system. The following minimum standards apply to sanitary sewer extensions with the City of Fulshear.

1. Main Lines.

   a. Minimum diameter – six inches (6").

   b. Minimum depth – four feet (4'), zero inches (0"). Exceptions may be made on depth with City of Fulshear Public Works Director approval.

   c. Material –

      1) Pipe – SDR 26 PVC.

      2) Fittings – same class as pipe, with rubber gaskets.

      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 –

      1) Four feet (4'), zero inches (0") inside diameter.

      2) Thirty-two inch (32") diameter opening in cone section for access to the sanitary sewer for cleaning and maintenance. Manhole cover shall have the City of Fulshear tops (See Detail Sheet).

   b. Spacing – four hundred feet (400') maximum and at changes in direction or size of main line.

   c. Material –

      1) Pre-cast concrete manhole meeting ASTM C478 (latest revision).

      2) Cast-in-place manholes shall be 4000 psi concrete with wall thickness of no less than five inches (5").

The base shall be no less than twelve inches (12") thick.

d. Pipe connection – each pipe connection to sanitary sewer manholes shall be made water tight by either:

1) Approved flexible connectors; or

2) Water tight grout.

e. Foundations – place manhole base on twelve inches (12") minimum of compacted cement stabilized sand.

f. Manhole ring and lid –

1) Install thirty-two inch (32") diameter cast iron ring using approved sealant

2) In pavement – adjust ring and 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).

3) In unpaved areas – adjust ring and cover to a least six inches (6") above surrounding grade, sloping grade away from the manhole.

4) Manhole lid is to have the City of Fulshear approved top (See Detail Sheet).

3. Services.

a. Minimum sizes –

1) Residential: single service – four inches (4"); double service – six inches (6")

2) Commercial: six inch (6") minimum.

b. Material – Sch. 40 or SDR 26 PVC.

c. Fittings required – wye, bend, and plug.

d. Stack required – where sewer depth exceeds six feet (6'), zero inches (0").

e. Marking – "As built" plans required showing locations, with 4"

x 4" oak timber marking each service and extending two feet (2') above ground. Painted with bright color paint. (Capped four inch (4") 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 – cement stabilized sand (one sack per cubic yard). Thickness to be one-half (1/2) of the pipe diameter beneath the pipe (in no case less than 6" 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 and approval of Planning Commission, sanitary mains shall be located in 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 (5") to the easement boundary.

1.06 Drainage.

The following minimum standards apply to drainage construction within new subdivisions. The City of Fulshear has adopted the Fort Bend County Drainage District's Criteria Manual and all drainage calculations and plans shall be approved by the Drainage District.

1. Storm Sewers and Culverts.

a. Minimum diameter – twenty-four inches (24"); eighteen inches (18") for pipe serving one (1) inlet.

b. Minimum slope – storm sewer: 0.1%. Culverts shorter than one hundred feet (100'): 0.1 foot.

c. Material –

1) Class III reinforce concrete pipe.

2) High density polyethylene (HDPE) corrugated smooth lined thermoplastic pipe may be used when approved by the City Engineer.

3) Texas Highway Department standard box culverts and headwalls.

d. Joints –

1) Class III Reinforced Concrete Pipe – bell and spigot joints with "O" ring type gaskets.

2) High Density Polyethylene Pipe – bell and spigot joints with "O" ring type gaskets.

3) Box Culverts – "Ram-Nek" type asphaltic sealer or approved equal with joints to meet Texas Department of Highway specification.

e. Bedding – All storm sewer is to be bedded with one and one-half (1-1/2) sack per cubic yard of cement stabilized sand, compacted to twelve inch (12") thickness, minimum.

f. Backfill – All storm sewer piping shall be backfilled to a minimum of twelve inches (12") over the top of the pipe with one and one-half (1-1/2) sack per cubic yard cement stabilized sand, compacted by mechanical means. When using HDPE pipe, caution shall be taken to insure proper bedding and backfill to meet the manufactures recommendations to provide the structural support necessary.

g. Junction Boxes and Manholes –

1) Size: nominal pipe size plus twelve inches (12").

2) Material: reinforced concrete, designed for the load. Minimum wall thickness – 5".

3) Location –

aa) At changes in pipe size or direction.

bb) At distances not to exceed four hundred feet (400').

4) Access Covers: twenty-four inch (24") diameter cast iron ring and cover with the work "Storm" cast into the cover.

h Inlets –

1) Minimum throat size: six inches (6") high x five feet (5') long.

2) Material: reinforced concrete, designed for load.

3) Wall thickness: five inches (5")

4) Access: twenty-four inch (24") diameter cast iron ring and cover (see 1.06.g.4 above).

2. Open Channels.

a. Unlined ditches – side slopes: three (3) horizontal, one (1) vertical. Bottom slope: 0.05% minimum. Easement width: top width plus sixteen feet (16') on one (1) side plus six feet (6') on the other side.

b. Lined channels – bottom slope: 0.05% minimum. Lining material: five inches (5") thick concrete with #3 bars at eighteen inches (18") center to center. With the approval of the City, pre-cast concrete pavement may be used in lieu of concrete. Concrete characteristics: same as for street paving. Easement width: top width plus twelve feet (12') on one (1) side and four feet (4') on the other side.

2. Design Criteria.

a. Storm period: twenty-five (25) years.

b. Runoff coefficient:

1) Single family residential area – fifty percent (50%)

2) Commercial areas – eight percent (80%).

1.07 Street Signs.

For uniformity, street signs shall be ordered through the City of Fulshear. Cost of signs and erection are the responsibility of the developer. Signs are required at each street intersection.

1.08 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 of Fulshear.

2.00 RESPONSIBILITY FOR STREET AND UTILITIES INSTALLATION

2.01 Developer 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 in strict accordance with Article 1.00, necessary and required to adequately serve the subdivision or addition to be developed by him.

2.02 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 of Fulshear upon completion and acceptance by the City Engineer and the City Council.

2.03 When City to Assist Developer

Upon the passage of these standards, it will be the policy of the City of Fulshear 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.

3.00 PARKS, PLAYGROUND, SCHOOLS, AND OTHER PUBLIC FACILITIES

3.01 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 ordinance.

3.02 Schools

The location, size and shape of any proposed school site shall be in accordance with the master plan of the City of Fulshear and/or Fort Bend County as amended or supplemented, as approved by the Planning Commission and finally accepted by the City Council, Lamar Consolidated Independent School District and/or Katy Independent School District.

3.03 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 of Fulshear and/or Fort Bend County, as amended and supplemented, as approved by the Planning Commission and finally accepted by the City Council.