

CITY OF FULSHEAR

“FIND YOUR FUTURE IN FULSHEAR”

30603 FM 1093 WEST/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

www.FulshearTexas.gov

CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Kevin White

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel
Patterson

COUNCIL MEMBER: John Kelly

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly
Kopecky

CITY ATTORNEY: J. Grady Randle

CITY COUNCIL MEETING

November 19, 2019

NOTICE IS HEREBY GIVEN OF A CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Tuesday, November 19, 2019 AT 7:00 PM** IN IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS FOR CONSIDERING THE FOLLOWING ITEMS. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY MATTERS LISTED ON THE AGENDA, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, INCLUDING, BUT NOT LIMITED TO, SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), 551.087 (ECONOMIC DEVELOPMENT), 418.175.183 (DELIBERATIONS ABOUT HOMELAND SECURITY ISSUES) AND AS AUTHORIZED BY THE TEXAS TAX CODE, INCLUDING, BUT NOT LIMITED TO, SECTION 321.3022 (SALES TAX INFORMATION).

"Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning and Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks and Recreation Commission, Historic Preservation and Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental

body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code. Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice."

I. CALL TO ORDER

II. QUORUM AND ROLL CALL

III. INVOCATION- CHARLES WISDOM, SR ASSOCIATE PASTOR, SECOND BAPTIST CHURCH

IV. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE

VI. CITIZEN'S COMMENTS

THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

VII. CITY MANAGER'S REPORT

BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES.

A. FESTIVAL OF LIGHTS UPDATE

B. CITY HOLIDAY SCHEDULE

C. UPDATE ON SHAMROCK SHINDIG 2020

VIII PUBLIC HEARING

A In compliance with the City of Fulshear Code of Ordinances, Appendix A, Article V, Section 1-278, the City will hold two Public Hearings; the first Public Hearing will be held by the Planning and Zoning Commission on November 8, 2019 at 8:30 AM. The hearing will be held at City Hall located at 30603 FM 1093. The second hearing will be held by the City Council on November 19, 2019 at 7:00 PM. The hearing will be held at the Irene Stern Community Center located at 6920 Katy Fulshear Road. Both hearings will allow all interested persons an opportunity to be heard. The purpose of the hearing is to consider and take action upon an ordinance amending Special Use Permit procedures and allowances within the City of Fulshear. A copy of said ordinance and documents is on file at the City of Fulshear City Hall located at 30603 FM 1093 Fulshear,

Texas 77441 on Monday through Thursday from 8:00AM to 3:00PM and Fridays from 8:00AM to 3:00PM in the City Secretary's office for all interested parties prior to said hearing. If you have any questions regarding this request, please call the City Secretary's office at 281-346-1796.

IX. CONSENT ITEMS

ITEMS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED ROUTINE AND ARE GENERALLY ENACTED IN ONE MOTION, THE EXCEPTION TO THIS RULE IS THAT A COUNCIL MEMBER(S) MAY REQUEST ONE OR MORE ITEMS TO BE REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE DISCUSSION AND ACTION.

- A. CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON OCTOBER 15, 2019 (SPECIAL), OCTOBER 15, 2019 (REGULAR), AND OCTOBER 24, 2019 (SPECIAL)**
- B. CONSENT AND APPROVAL OF STREET DEDICATIONS, UTILITY CONVEYANCE AND SECURITY AGREEMENTS FOR FULBROOK ON FULSHEAR CREEK SECTION 5, FULSHEAR TRACE BRIDGE, & FUSLHEAR TRACE EXTENSION NO. 2 FROM MUD 1**
- C. CONSENT AND APPROVAL OF JORDAN RANCH SECTION 19 FINAL PLAT**
- D. CONSENT AND APPROVAL OF JORDAN RANCH STREET DEDICATION #5 FINAL PLAT**
- E. CONSENT AND APPROVAL OF EXTENSION FOR TAMARRON SECTION 12 FINAL PLAT**
- F. CONSIDERATION AND POSSIBLE ACTION TO ACCEPT QUARTERLY INVESTMENT REPORT**
- G. CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR POLO RANCH SECTIONS 6**

X. BUSINESS

- A. PRESENTATION REGARDING CAPITAL IMPROVEMENT PLAN - FY 2020 PROJECTS UPDATE**
- B. CONSIDER AND TAKE ACTION UPON ORDINANCE 2019-1314 AMENDING SPECIAL USE PERMIT REGULATIONS AND PROCEDURES**
- C. CONSIDERATION AND ACTION TO AUTHORIZE WORK ORDER'S #8 AND #9 WITH KENDIG-KEAST COLLABORATIVE FOR THE COMPLETION OF THE COORDINATED DEVELOPMENT ORDINANCE AND TO BEGIN AN UPDATE TO THE CITY'S COMPREHENSIVE PLAN AND MAJOR THOROUGHFARE PLAN**
- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-441, A RESOLUTION CASTING A BALLOT IN THE FORT BEND CENTRAL APPRAISAL DISTRICT 2020-2021 BOARD OF DIRECTORS ELECTION**
- E. CONSIDERATION AND POSSIBLE ACTION FOR APPROVAL OF ORDINANCE NO. 2019-1303, SOLID WASTE RATES**
- F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT WITH WASTE CORPORATION OF AMERICA (WCA) FOR SOLID WASTE SERVICES**
- G. CONSIDER AND TAKE ACTION TO APPROVE OR DENY A SIGN VARIANCE APPEAL FOR MOVE-IT STORAGE**
- H. CONSIDERATION AND POSSIBLE ACTION TO PROVIDE CONSENT TO FORT BEND COUNTY TO PLACE A PARCEL WITHIN CROSS CREEK RANCH,**

DESIGNATED AS AN "ALL ABILITIES PARK," TO BE INCLUDED IN CAD

XI. EXECUTIVE SESSION

- A. EXECUTIVE SESSION- PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNING BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT; PURSUANT TO SECTION 551.072 OF THE TEXAS OPEN MEETINGS ACT, DELIBERATE CONCERNING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY; AND PURSUANT TO SECTION 551.087 OF THE TEXAS OPEN MEETINGS ACT, DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT OR BOTH.**

XII. ACTION FROM EXECUTIVE SESSION

- A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-443, A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN REGARDING PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY**
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN.**
- C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-444, A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS-15 FULSHEAR MARKETPLACE LLC REGARDING PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY**
- D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS-15 FULSHEAR MARKETPLACE LLC**

XIII. CONSIDERATION AND POSSIBLE ACTION RELATING TO ABSENCES

IN ACCORDANCE WITH SECTION 3.10 (d) OF THE CITY OF FULSHEAR HOME-RULE CHARTER, PAST ABSENCES DUE TO SICKNESS MAY BE EXCUSED, AND LEAVES OF ABSENCE FOR FUTURE ABSENCES MAY BE GRANTED. ANY ACTION TO EXCUSE A PAST ABSENCE IS DEEMED TO INCLUDE A FINDING THAT THE ABSENCE WAS DUE TO SICKNESS UNLESS THE ACTION INDICATES OTHERWISE.

XIV. ADJOURNMENT

NOTE: IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE

SERVICE MUST BE MADE AT LEAST 48 BUSINESS HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 281-346-1796 FOR FURTHER INFORMATION.

I, KIMBERLY KOPECKY, CITY SECRETARY OF THE CITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING AND AGENDA FOR THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS WAS POSTED ON FRIDAY, NOVEMBER 15, 2019 by 5:00 P.M. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

KIMBERLY KOPECKY, CITY SECRETARY

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: VIIIA

**DATE
SUBMITTED:**

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: In compliance with the City of Fulshear Code of Ordinances, Appendix A, Article V, Section 1-278, the City will hold two Public Hearings; the first Public Hearing will be held by the Planning and Zoning Commission on November 8, 2019 at 8:30 AM. The hearing will be held at City Hall located at 30603 FM 1093. The second hearing will be held by the City Council on November 19, 2019 at 7:00 PM. The hearing will be held at the Irene Stern Community Center located at 6920 Katy Fulshear Road. Both hearings will allow all interested persons an opportunity to be heard. The purpose of the hearing is to consider and take action upon an ordinance amending Special Use Permit procedures and allowances within the City of Fulshear. A copy of said ordinance and documents is on file at the City of Fulshear City Hall located at 30603 FM 1093 Fulshear, Texas 77441 on Monday through Thursday from 8:00AM to 3:00PM and Fridays from 8:00AM to 3:00PM in the City Secretary's office for all interested parties prior to said hearing. If you have any questions regarding this request, please call the City Secretary's office at 281-346-1796.

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

RECOMMENDATION

Staff recommends that City Council conduct the public hearing.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: IX.A.

**DATE
SUBMITTED:** 11/5/2019

DEPARTMENT: Administration

PREPARED BY: Kimberly Kopecky

PRESENTER: Kimberly Kopecky

SUBJECT: CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON OCTOBER 15, 2019 (SPECIAL), OCTOBER 15, 2019 (REGULAR), AND OCTOBER 24, 2019 (SPECIAL)

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The City Secretary has prepared the attached draft minutes. City Staff will be present to answer any questions regarding the attached meeting minutes.

RECOMMENDATION

Staff recommends the City Council approve the minutes as presented.

ATTACHMENTS:

Description	Upload Date	Type
Minutes	11/5/2019	Backup Material



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COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel Patterson

COUNCIL MEMBER: John Kelly

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING MINUTES OCTOBER 15, 2019

I. CALL TO ORDER

A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 5:30 P.M. A QUORUM WAS PRESENT.

II. QUORUM & ROLL CALL

COUNCIL MEMBERS PRESENT:

AARON GROFF, MAYOR

KAYE KAHLICH, MAYOR PRO-TEM

JOEL PATTERSON

DEBRA CATES

KENT POOL

JOHN KELLY

KEVIN WHITE

LISA MARTIN

CITY STAFF PRESENT:

JACK HARPER

BRANT GARY

KIMBERLY KOPECKY

KAYLA VILLAGOMEZ

SHARON VALIANTE

BYRON BROWN

ZACH GOODLANDER

CHANDLER MARKS
JAMES WOODS
KENNEY SEYMOUR (ARRIVED @ 6:10 P.M.)

OTHERS PRESENT:

PAT MOLLERE
REBECCA PATTERSON
SONYA SIMMONS
CLAUDIA WALKER
BRIAN CHAVIS
AND APPROXIMATELY 3 OTHERS THAT DID NOT SIGN IN

- III. **CITIZEN'S COMMENTS**- THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

THERE WERE NO CITIZEN COMMENTS

IV. **BUSINESS**

- A. **CONSIDERATION AND POSSIBLE ACTION REGARDING A PROPOSAL FOR THE USE OF THE SECTION HOUSE AND DETERMINATION OF NEXT STEPS FOR THE PROJECT**

SUSIE HOWEY FROM THE HISTORIC PRESERVATION AND MUSEUM COMMISSION GAVE A PRESENTATION RECOMMENDING RESTORING THE EXTERIOR AND RENOVATING THE INTERIOR OF THE SECTION HOUSE. SUSIE HOWEY AND SONYA SIMMONS (ALSO FROM HPMC) REQUESTED MORE TIME TO PUT TOGETHER A BUSINESS PLAN AND ANSWERED QUESTIONS FROM CITY COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ALLOW THE HISTORIC PRESERVATION AND MUSEUM COMMISSION TO PUT TOGETHER A BUSINESS PLAN FOR THE RESTORATION WITH A DEADLINE OF JUNE 2020 (BRING BACK TO COUNCIL). IT WAS SECONDED BY COUNCIL MEMBER MARTIN. (original motion)

A MOTION TO AMEND THE ORIGINAL MOTION WAS MADE BY COUNCIL MEMBER CATES TO ADD THAT COUNCIL RECEIVE AN UPDATE FROM THE HISTORIC PRESERVATION AND MUSEUM COMMISSION CONTAINING THE START OF A 501 (C)(3) APPLICATION, AS WELL AS WRITTEN COMMITMENTS FROM WORK PRODUCT RESOURCES BY THE END OF THE YEAR. (motion to amend)

A SECOND MOTION TO AMEND WAS MADE BY COUNCIL MEMBER PATTERSON TO UPDATE THE OTHER MOTIONS ADDING THE INCLUSION OF DELIVERABLES BY MARCH 2020. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. (second amended motion) THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE

THE MOTION TO AMEND WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE

THE ORIGINAL MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND WHITE
NAYS: COUNCIL MEMBER POOL

THE ORIGINAL MOTION AND (2) AMENDMENTS PASS.

B. CONSIDERATION AND POSSIBLE ACTION TO AWARD A CONTRACT TO GARZA SITE DEVELOPMENT FOR PHASE 1 OF PRIMROSE PARK CONSTRUCTION

BRANT GARY EXPLAINED TO COUNCIL THE INITIAL PLANS FOR PHASE 1 OF PRIMROSE PARK, WHICH INCLUDES A TRAIL LOOP. HE INTRODUCED CLAUDIA WALKER FROM BURDITT, AND MR. CHAVIS FROM GARZA SITE DEVELOPMENT. THEY ANSWERED QUESTIONS FROM COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO AWARD A CONTRACT TO GARZA SITE DEVELOPMENT FOR PHASE 1 OF PRIMROSE PARK CONSTRUCTION. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE

C. PRESENTATION AND POSSIBLE ACTION REGARDING PROPOSED PLANNING SERVICES FROM VERDUNITY, INC.

FELIX LANDRY FROM VERDUNITY GAVE A BRIEF PRESENTATION AND ANSWERED QUESTIONS FOR COUNCIL.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH FOR VERDUNITY TO PROCEED WITH PLANNING SERVICES. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, AND POOL
NAYS: COUNCIL MEMBERS KELLY, MARTIN, AND WHITE
ABSTAIN: COUNCIL MEMBER PATTERSON (ABSTAINING IS A NAY VOTE)

THIS ITEM DOES NOT PASS.

V. EXECUTIVE SESSION

- ~~A. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNING BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT; PURSUANT TO SECTION 551.072 OF THE TEXAS OPEN MEETINGS ACT, DELIBERATE CONCERNING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY; AND PURSUANT TO SECTION 551.087 OF THE TEXAS OPEN MEETINGS ACT, DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT OR BOTH.~~**

THERE WAS NO EXECUTIVE SESSION.

VI. ACTION FROM EXECUTIVE SESSION

- ~~A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN REGARDING PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY~~**
- ~~B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN~~**
- ~~C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS-15 FULSHEAR MARKETPLACE LLC REGARDING PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY~~**
- ~~D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS-15 FULSHEAR MARKETPLACE LLC~~**

THERE WAS NO EXECUTIVE SESSION OR ACTION FROM EXECUTIVE SESSION.

VII. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE*

MAYOR GROFF ADJOURNED THE MEETING AT 7:03 P.M.

AARON GROFF, MAYOR

ATTEST:

KIMBERLY KOPECKY, CITY SECRETARY



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STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

CITY COUNCIL MEETING MINUTES OCTOBER 15, 2019

I. CALL TO ORDER

A REGULAR CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 7:10 P.M. A QUORUM WAS PRESENT.

II. QUORUM & ROLL CALL

COUNCIL MEMBERS PRESENT:

*AARON GROFF, MAYOR
KAYE KAHLICH, MAYOR PRO-TEM
JOEL PATTERSON
DEBRA CATES
KENT POOL
JOHN KELLY
KEVIN WHITE
LISA MARTIN*

CITY STAFF PRESENT:

*KIMBERLY KOPECKY
JACK HARPER
BRANT GARY
SHARON VALIANTE
ZACH GOODLANDER
KENNY SEYMOUR*

CHANDLER MARKS
ERIN TUREAU
DAVID LEYENDECKER
BYRON BROWN
JAMES WOODS

OTHERS PRESENT:

TREY DEVILLIER
MIKE HALPE
AND APPROXIMATELY 11 OTHERS THAT DID NOT SIGN IN

III. INVOCATION- CHARLES WISDOM, FULSHEAR POLICE CHAPLAIN

INVOCATION WAS GIVEN BY CHARLES WISDOM, FULSHEAR POLICE CHAPLAIN.

IV. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG-I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

V. PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG –HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE

THE PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND THE TEXAS FLAG WERE LED BY MAYOR GROFF.

VI. CITIZEN'S COMMENTS-THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

THERE WERE NO CITIZEN COMMENTS

VII. CITY'S MANAGER'S REPORT – BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES.

NO REPORT WAS GIVEN

VIII. PUBLIC HEARING

A. PUBLIC HEARING- ADOPTION OF IMPACT FEES The City of Fulshear will hold a public hearing on adoption of impact fees on Tuesday, October 15, 2019 at 7:00 P.M. in Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear Texas. The purpose of the hearing is to consider the adoption of an impact fee. The amount of the proposed impact fee is \$2,488.27 per service unit for water and \$3,598.91 per service unit for wastewater. Any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee. Posted: September 13, 2019

MAYOR GROFF OPENED THE PUBLIC HEARING AT 7:12 P.M.

THERE WERE NO COMMENTS MADE.

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 7:14 P.M.

- IX. CONSENT ITEMS-ITEMS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED ROUTINE AND ARE GENERALLY ENACTED IN ONE MOTION, THE EXCEPTION TO THIS RULE IS THAT A COUNCIL MEMBER(S) MAY REQUEST ONE OR MORE ITEMS TO BE REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE DISCUSSION AND ACTION.**
- A. CONSENT AND APPROVAL OF CITY COUNCIL MINUTES FROM CITY COUNCIL MEETINGS HELD ON SEPTEMBER 10, 2019 (SPECIAL), SEPTEMBER 17, 2019 (JOINT), SEPTEMBER 17, 2019 (SPECIAL), AND SEPTEMBER 17, 2019 (REGULAR)**
 - B. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR WEST CROSS CREEK BEND DRIVE EXTENSION NO. 4 FROM MUD 169**
 - C. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF STREET DEDICATIONS, UTILITY CONVEYANCE AND SECURITY AGREEMENTS FOR CREEK COVE AT CROSS CREEK RANCH SECTIONS 14, 15, & 16 FROM MUD 172**
 - D. CONSENT AND AND POSSIBLE ACTION TO AWARD OF PROFESSIONAL SERVICES FOR CONSTRUCTION MANAGEMENT OF PROJECT W18K & WW18E**
 - E. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR CREEK FALLS AT CROSS CREEK RANCH SECTION 11 FROM MUD 173**
 - F. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF AN INTERLOCAL AGREEMENT WITH FORT BEND COUNTY TO PROVIDE FOR FINANCING OF UTILITY COSTS ASSOCIATED WITH THE FM 1093 WIDENING PROJECT**
 - G. CONSENT AND POSSIBLE ACTION FOR APPROVAL OF EXPENDITURES FOR EMERGENCY REPAIR TO WATER PLANT NO. 2 IN CROSS CREEK RANCH**
 - H. CONSENT AND POSSIBLE ACTION TO ACCEPT MONTHLY FINANCIAL REPORT**
 - I. CONSENT AND APPROVAL OF GOLDEN MANOR DR. STREET DEDICATION PRELIMINARY PLAT**
 - J. CONSENT AND APPROVAL OF BON TERRA AT CROSS CREEK RANCH SECTION 11A PRELIMINARY PLAT**
 - K. CONSENT AND APPROVAL OF PLAT EXTENSION FOR ARGONNE DRIVE FINAL PLAT**
 - L. CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 2 FINAL PLAT**
 - M. CONSENT AND APPROVAL OF CREEK TRACE AT CROSS CREEK RANCH SECTION 3 FINAL PLAT**
 - N. CONSENT AND APPROVAL OF FLEWELLEN WAY NWC FINAL PLAT**
 - O. CONSENT AND APPROVAL OF A VACATION AND ABANDONMENT OF THE RUSTIC OAKS SUBDIVISION PLAT**

COUNCIL MEMBER MARTIN ASKED TO REMOVE CONSENT ITEMS D, F, G, AND O FOR FURTHER DISCUSSION.

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEMS A, B, C, E, H, I, J, K, L, M, and N. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE*

CONSENT D

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEM D. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE*

CONSENT F

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEM F. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE*

CONSENT G

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEM G. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE*

CONSENT O

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO APPROVE CONSENT ITEM O. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE
NAYS: NONE*

X. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION TO REGARDING ORDINANCE NO. 2019-1313, ADOPTION OF WATER AND WASTEWATER IMPACT FEES

ZACH GOODLANDER INTRODUCED MIKE SHELTON FROM KIMLEY HORN. THEY ANSWERED QUESTIONS FROM THE CITY COUNCIL.

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO ADOPT IMPACT FEE ORDINANCE NO. 2019-1313, ADOPTING IMPACT FEES OF \$2,250 FOR WATER FACILITIES PER SERVICE UNIT AND \$3,250 FOR WASTEWATER FACILITIES PER SERVICE UNIT PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL AND PROVIDING AN EFFECTIVE DATE. IT WAS SECONDED BY COUNCIL MEMBER WHITE. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE

NAYS: NONE

B. CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE NO. 2019-1312, AN ORDINANCE AMENDING CHAPTER 34 OF THE FULSHEAR CODE REGARDING PLAT REQUIREMENTS

ZACH GOODLANDER EXPLAINED THIS ORDINANCE WOULD BE INTERIM ONLY. ADOPTION OF THIS ORDINANCE NEEDS TO BE MOVED TO NOVEMBER SO THAT NOTICE CAN BE PUBLISHED FOR A PUBLIC HEARING.

A MOTION TO POSTPONE WAS MADE BY MAYOR PRO-TEM KAHLICH. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE

NAYS: NONE

C. CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE CREATION OF THE 1093 RAILS TO TRAILS LOCAL GOVERNMENT CORPORATION AND APPOINT BOARD MEMBERS, INCLUDING THE EXECUTION OF THE RELEVANT PROPOSED ARTICLES OF INCORPORATION, BYLAWS, INTERLOCAL AGREEMENT, AND APPROVAL OF THE APPLICATION FOR THE FORMATION OF THE LOCAL GOVERNMENT CORPORATION

ZACH GOODLANDER INTRODUCED THIS ITEM TO COUNCIL. THE RECOMMENDATION WAS FOR MAYOR GROFF, MAYOR PRO-TEM KAHLICH, AND COUNCIL MEMBER POOL TO BE NAMED INCORPORATORS AND FOR ZACH GOODLANDER AND BRANT GARY (ALTERNATE) AS BOARD MEMBERS.

A MOTION WAS MADE BY COUNCIL MEMBER CATES TO APPROVE THE CREATION OF THE 1093 RAILS TO TRAILS LOCAL GOVERNMENT CORPORATION INCLUDING THE EXECUTION OF THE RELEVANT PROPOSED ARTICLES OF INCORPORATION, BYLAWS, INTERLOCAL AGREEMENT, AND APPROVAL OF THE APPLICATION FOR THE FORMATION OF THE LOCAL GOVERNMENT CORPORATION AND NOMINATE MAYOR GROFF, MAYOR PRO-TEM KAHLICH, AND COUNCIL MEMBER POOL TO BE NAMED INCORPORATORS AND FOR ZACH GOODLANDER AND BRANT GARY (ALTERNATE) AS BOARD MEMBERS. IT WAS SECONDED BY MAYOR PRO-TEM KAHLICH. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE

NAYS: NONE

D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-438; A RESOLUTION APPOINTING A CITY REPRESENTATIVE AND AN ALTERNATE TO THE HGAC 2020 GENERAL ASSEMBLY

A MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO APPROVE RESOLUTION NO. 2019-438 APPOINTING A CITY REPRESENTATIVE BEING AARON GROFF AS THE REPRESENTATIVE AND KAYE KAHLICH AS THE ALTERNATE FOR THE HGAC 2020 GENERAL ASSEMBLY. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE

NAYS: NONE

E. CONSIDERATION AND POSSIBLE ACTION FOR APPROVAL OF ORDINANCE NO. 2019-1303, SOLID WASTE RATES

F. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT WITH WASTE CORPORATION OF AMERICA (WCA) FOR SOLID WASTE RATES

JACK HARPER EXPLAINS THAT STAFF IS REQUESTING FOR ITEMS E AND F TO BE POSTPONED UNTIL A LATER DATE.

A MOTION TO POSTPONE TO A FUTURE MEETING WAS MADE BY COUNCIL MEMBER MARTIN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE

NAYS: NONE

G. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2019-1311 FOR SETTING WATER AND WASTEWATER UTILITY RATES

THIS ITEM WAS DISCUSSED AT LENGTH BETWEEN COUNCIL, BRANT GARY, LEN MCMANUS AND TARA PAYNE (MCMANUS & JOHNSON). FOR FULL COMMENTARY, REQUEST AUDIO.

A MOTION WAS MADE TO POSTPONE THIS ITEM UNTIL A MEETING ON OCTOBER 24, 2019 BY COUNCIL MEMBER MARTIN. IT WAS SECONDED BY COUNCIL MEMBER CATES. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

*AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, POOL, AND WHITE
NAYS: COUNCIL MEMBER PATTERSON*

XI. EXECUTIVE SESSION

~~A. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT (CHAPTER 551, GOVERNMENT CODE), CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNING BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT; PURSUANT TO SECTION 551.072 OF THE TEXAS OPEN MEETINGS ACT, DELIBERATE CONCERNING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY; AND PURSUANT TO SECTION 551.087 OF THE TEXAS OPEN MEETINGS ACT, DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT OR BOTH~~

THERE WILL BE NO EXECUTIVE SESSION.

XII. ACTION FROM EXECUTIVE SESSION

- ~~A. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN REGARDING PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY~~
- ~~B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND THOMAS BLACKBURN.~~
- ~~C. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION REGARDING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS-15 FULSHEAR MARKETPLACE LLC REGARDING~~

~~PROPOSED DEVELOPMENT ACTIVITIES AND CONVEYANCE OF REAL PROPERTY
D. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF FULSHEAR, TEXAS AND WSS 15 FULSHEAR MARKETPLACE LLC~~

THERE WAS NO EXECUTIVE SESSION FOR THIS MEETING.

- XIII. **CONSIDERATION AND POSSIBLE ACTION RELATING TO ABSENCES- IN ACCORDANCE WITH SECTION 3.10 (d) OF THE CITY OF FULSHEAR HOME-RULE CHARTER, PAST ABSENCES DUE TO SICKNESS MAY BE EXCUSED, AND LEAVES OF ABSENCE FOR FUTURE ABSENCES MAY BE GRANTED. ANY ACTION TO EXCUSE A PAST ABSENCE IS DEEMED TO INCLUDE A FINDING THAT THE ABSENCE WAS DUE TO SICKNESS UNLESS THE ACTION INDICATES OTHERWISE.**

THERE WAS NO ACTION RELATING TO ABSENCES.

XIV. **ADJOURNMENT**

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, POOL, AND WHITE

NAYS: NONE

MAYOR GROFF ADJOURNED THE MEETING AT 9:39 P.M.

AARON GROFF, MAYOR

ATTEST:

KIMBERLY KOPECKY, CITY SECRETARY



CITY OF FULSHEAR

“FIND YOUR FUTURE IN FULSHEAR”

30603 FM 1093 WEST/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

www.FulshearTexas.gov

CITY COUNCIL:

MAYOR: Aaron Groff

COUNCIL MEMBER: Kevin White

COUNCIL MEMBER: Joel
Patterson

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: John Kelly

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Lisa Martin

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly
Kopecky

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING MINUTES

October 24, 2019

I. CALL TO ORDER

A SPECIAL CITY COUNCIL MEETING WAS CALLED TO ORDER BY MAYOR GROFF AT THE IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS AT 5:38 P.M. A QUORUM WAS PRESENT.

II. QUORUM AND ROLL CALL

COUNCIL MEMBERS PRESENT:

AARON GROFF, MAYOR

KAYE KAHLICH, MAYOR PRO-TEM

JOEL PATTERSON

DEBRA CATES

KENT POOL

JOHN KELLY

LISA MARTIN

KEVIN WHITE-Absent

CITY STAFF PRESENT:

JACK HARPER
KAYLA VILLAGOMEZ
SHARON VALIANTE
BYRON BROWN
LYNDSEY DELONG

III. CITIZEN'S COMMENTS

THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

THERE WERE NO CITIZEN COMMENTS

IV. PUBLIC HEARING

CONDUCT A PUBLIC HEARING FOR THE PURPOSES OF CONSIDERING AND ACTING UPON THE ADOPTION OF GENERAL PLANS, RULES, OR ORDINANCES GOVERNING DEVELOPMENT PLATS OF LAND WITHIN THE LIMITS AND IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FULSHEAR TO PROMOTE THE HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF THE CITY AND THE SAFE, ORDERLY, AND HEALTHFUL DEVELOPMENT OF THE CITY, BEING ORDINANCE NO. 2019-1312, AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING CHAPTER 34 OF THE FULSHEAR CODE, REGARDING SUBDIVISION OF LAND, TO PROVIDE FOR MINOR DEVELOPMENT PLATS

MAYOR GROFF OPENED THE PUBLIC HEARING AT 5:41 P.M.

*CITIZEN'S COMMENTS HEARD FROM RESIDENT KIM STACY AND CAROL RIGGS
(FOR FULL COMMENTARY, REQUEST AUDIO)*

MAYOR GROFF CLOSED THE PUBLIC HEARING AT 6:02 P.M.

V. BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION REGARDING ORDINANCE 2019- 1312, AN ORDINANCE AMENDING CHAPTER 34 OF THE FULSHEAR CODE REGARDING PLAT REQUIREMENTS

A MOTION WAS MADE BY COUNCIL MEMBER PATTERSON TO APPROVE ORDINANCE 2019-1312 AMENDING CHAPTER 34 OF THE FULSHEAR CODE REGARDING PLAT REQUIREMENTS. (original motion)

THE MOTION DIED

A MOTION WAS MADE BY COUNCIL MEMBER KAHLICH TO APPROVE ORDINANCE 2019-1312 AMENDING CHAPTER 34 OF THE FULSHEAR CODE REGARDING PLAT REQUIREMENTS TO INCLUDE A REVISION OF NO PLAT REQUIRED IF TOTAL COST IS \$ 100 THOUSAND DOLLARS OR LESS. IT WAS SECONDED BY COUNCIL MEMBER POOL. (motion to amend)

A SECOND MOTION TO AMEND THE MOTION WAS MADE BY COUNCIL MEMBER MARTIN TO UPDATE THE OTHER MOTION TO INCLUDE A REVISION OF NO PLAT REQUIRED IF TOTAL COST IS \$100 THOUSAND DOLLARS OR LESS AND LIMITED TO INTERIOR OF HOME OR BOTH. THE MOTION WAS SECONDED BY MAYOR PRO-TEM KAHLICH. (second amended motion)

THE MOTION TO AMEND WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL.

NAYES: NONE

THE ORIGINAL MOTION TO AMEND WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL.

NAYES: NONE

A MOTION TO RECESS FOR TEN MINUTES WAS MADE BY COUNCIL MEMBER KAHLICH AT 6:40 P.M. AND SECONDED BY COUNCIL MEMBER CATES.

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL.

NAYES: NONE

MAYOR GROFF BROUGHT THE SPECIAL MEETING OUT OF RECESS AT 6:50 P.M.

B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDINANCE 2019- 1311 FOR SETTING WATER AND WASTEWATER UTILITY RATES

A MOTION WAS MADE BY CITY COUNCIL MEMBER MARTIN TO APPROVE ORDINANCE 2019-1311 FOR SETTING WATER AND WASTEWATER UTILITY RATES, OPTION TWO. THE MOTION WAS SECONDED BY MAYOR PRO-TEM KAHLICH.

THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL.

NAYES: NONE

VI. ADJOURNMENT

A MOTION WAS MADE BY MAYOR PRO-TEM KAHLICH TO ADJOURN THE MEETING AT 7:43 PM. IT WAS SECONDED BY COUNCIL MEMBER POOL. THE MOTION WAS CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS CATES, KAHLICH, KELLY, MARTIN, PATTERSON, AND POOL.

NAYES: NONE

Aaron Groff, Mayor

Attest:

Kayla Villagomez, Asst. City Secretary

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019 **ITEMS:** IX.B.
DATE 11/6/2019 **DEPARTMENT:** Public Works
SUBMITTED:
PREPARED BY: Sharon Valiante, Public Works **PRESENTER:** Sharon Valiante, Public Works
Director Director
SUBJECT: CONSENT AND APPROVAL OF STREET DEDICATIONS, UTILITY CONVEYANCE AND SECURITY AGREEMENTS FOR FULBROOK ON FULSHEAR CREEK SECTION 5, FULSHEAR TRACE BRIDGE, & FULSHEAR TRACE EXTENSION NO. 2 FROM MUD 1

Expenditure Required: NA

Amount Budgeted: NA

Funding Account: NA

Additional Appropriation Required: NA

Funding Account: NA

EXECUTIVE SUMMARY

As each Phase of development are acquired and constructed, the MUD Districts prepare documents that are submitted to the City with a request for consideration for transfer of ownership, which is considered and approved by City Council. The Districts, in accordance with the Development Agreement and Utility Agreements in place, have complied with Section 2.10 – As construction of each Phase is completed, the City shall inspect and if the City finds that the Phase has been completed in accordance with the final plans and specifications approved by the City, or any modifications approved by the City, the City will accept the Phase for ownership, operation and maintenance. The District, MUD No. 1, is submitting for consideration Street Dedications and Utility Conveyance and Security Agreements for:

Fulbrook on Fulshear Creek Section 5:

Paving – Total Costs:	\$1,222,032.08
Storm Sewer System – Total Costs:	\$1,304,053.57
Sanitary – Total Costs:	\$407,615.09
Water System – Total Costs:	\$305,953.04

Fulshear Trace Bridge:

Paving – Total Costs:	\$1,766,416.70
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Fulshear Trace Extension No. 2:

Paving – Total Costs:	\$251,713.99
Storm Sewer System – Total Costs:	\$29,702.32
Sanitary – Total Costs:	\$134,190.03
Water System – Total Costs:	\$143,006.53

The infrastructure has been constructed in accordance with the plans prepared by Costello Engineering & Surveying and are complete and in place. The City Engineer has approved the infrastructure for conveyance to the City

RECOMMENDATION

Staff recommends City Council accept the infrastructure constructed and completed for the District and authorize the Mayor to execute the Utility Conveyance and Security Agreements, and the Street Dedications for:

1. Fulbrook on Fulshear Creek Section 5
2. Fulshear Trace Bridge
3. Fulshear Trace Extension No. 2

ATTACHMENTS:

Description	Upload Date	Type
Utility Conveyance and Security Agreement Fulbrook on Fulshear Creek 5	11/6/2019	Cover Memo
Street Dedication Fulbrook on Fulshear Creek 5	11/6/2019	Cover Memo
Bridge Acceptance Fulshear Trace Bridge	11/6/2019	Cover Memo
Utility Conveyance & Security Agreement Fulshear Trace Extension 2	11/6/2019	Cover Memo
Street Dedication Fulshear Trace Extension 2	11/6/2019	Cover Memo

UTILITY CONVEYANCE AND SECURITY AGREEMENT

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF FORT BEND §

Fulshear Municipal Utility District No. 1 of Fort Bend County (the "District") has constructed certain improvements, structures, and facilities designed to provide water, wastewater, and/or drainage to serve areas within or near the District's boundaries and the boundaries of the City of Fulshear, Texas (the "City"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District does hereby convey, transfer, and deliver to the City, its successors and assigns, those certain facilities described as follows:

Those certain water, sanitary sewer, and storm sewer facilities, and all related appurtenances, to serve Fulbrook on Fulshear Creek Section Five (except any detention ponds, any drainage channels, and any non-potable water facilities) constructed to date on behalf of the District pursuant to the construction contract ("Construction Contract") between the District and Allgood Construction Company ("Contractor") dated January 2, 2019, which facilities are located within or near the boundaries of the District, and together with any improvements, structures, storm sewer mains, plants, service pumps, storage reservoirs, electrical equipment, plant equipment, distribution lines, collection lines, water mains, lift stations, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements, rights-of-way, licenses, operating rights and all other property therein whether real, personal or mixed, owned by the District in connection with the facilities being conveyed hereby (the "Facilities"). Some or all of the Facilities are located within or near the land shown on the plat for Fulbrook on Fulshear Creek Section Five that is recorded under Plat No. 20190106 in the Plat Records of Fort Bend County, Texas.

The District constructed the Facilities and is conveying the Facilities to the City pursuant to the Utility Agreement by and between the City and the District, as amended (the "Utility Agreement"). Sections 2.09 and 2.10 of the Utility Agreement require that the District Facilities (as defined therein) be conveyed to the City for ownership, operation and maintenance, subject to a security interest retained by the District.

The District hereby reserves a security interest in the Facilities, more particularly described in Section 2.09 of the Utility Agreement, to secure the performance of the City's obligations under the Utility Agreement. The District reserves said security interest under Texas law and the Utility Agreement.

The District hereby reserves the full capacity of the Facilities.

The District hereby assigns to the City all rights (including, without limitation, all rights under the Construction Contract, to the extent the Construction Contract allows assignment of such rights), maintenance bonds, warranties and manufacturer's warranties, if any, owned or acquired by the District for the Facilities. Notwithstanding any provision hereof, this Utility Conveyance and Security Agreement shall not be construed to limit or modify any indemnity obligations, or any other obligations, that Contractor, or its surety, may otherwise have to the District or to any other party under the Construction Contract.

The City hereby agrees by its acceptance of this conveyance to operate and maintain the Facilities in accordance with the terms of the Utility Agreement.

This Utility Conveyance and Security Agreement is effective as of the later of: (i) the date that the District executes this instrument; or (ii) the date that the City executes this instrument.

FULSHEAR MUNICIPAL UTILITY DISTRICT
NO. 1 OF FORT BEND COUNTY

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

Secretary, Board of Directors

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____, 2019, by _____, as _____, and _____, as _____, of the Board of Directors of Fulshear Municipal Utility District No. 1 of Fort Bend County, a political subdivision of the State of Texas, on behalf of said political subdivision.

Notary Public, State of Texas

(NOTARY SEAL)

In accordance with the Utility Agreement, as defined above, the City hereby accepts this Utility Conveyance and Security Agreement. Such City acceptance is effective as of the later of: (i) the date that the District executes this instrument; or (ii) the date that the City executes this instrument.

CITY OF FULSHEAR, TEXAS

By: _____
Name: _____
Title: Mayor
Date: _____

ATTEST:

City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the _____ day of _____, 2019, by _____ as Mayor of the City of Fulshear, Texas, on behalf of said City.

Notary Public, State of Texas

(NOTARY SEAL)

AFTER RECORDING RETURN TO: Jennifer Ramirez, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, TX 77027.

STREET ACCEPTANCE

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF FORT BEND §

WHEREAS, a plat for Fulbrook on Fulshear Creek Section Five has been recorded under Plat No. 20190106 in the Plat Records of Fort Bend County, Texas, and street(s) (and culvert facilities, if any) have been constructed within the land shown on such plat (collectively, the "Streets"); and

WHEREAS, the City of Fulshear, Texas (the "City"), desires to accept the Streets for operation and maintenance.

Now, Therefore, the City hereby accepts the Streets for operation and maintenance by the City.

CITY OF FULSHEAR, TEXAS

Mayor

ATTEST:

City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the _____ day of _____, 2019, by _____ as Mayor of the City of Fulshear, Texas, on behalf of said City.

Notary Public, State of Texas

(NOTARY SEAL)

BRIDGE ACCEPTANCE

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF FORT BEND §

WHEREAS, a plat for Fulshear Trace Second Extension has been recorded under Plat No. 20190115 in the Plat Records of Fort Bend County, Texas, and the Fulshear Trace Bridge has been constructed within the land shown on such plat (the "Bridge"); and

WHEREAS, the City of Fulshear, Texas (the "City"), desires to accept the Bridge for operation and maintenance.

Now, Therefore, the City hereby accepts the Bridge for operation and maintenance by the City.

CITY OF FULSHEAR, TEXAS

Mayor

ATTEST:

City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the _____ day of _____, 2019, by _____ as Mayor of the City of Fulshear, Texas, on behalf of said City.

Notary Public, State of Texas

(NOTARY SEAL)

UTILITY CONVEYANCE AND SECURITY AGREEMENT

STATE OF TEXAS	§	
	§	KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF FORT BEND	§	

Fulshear Municipal Utility District No. 1 of Fort Bend County (the “District”) has constructed certain improvements, structures, and facilities designed to provide water, wastewater, and/or drainage to serve areas within or near the District’s boundaries and the boundaries of the City of Fulshear, Texas (the “City”). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District does hereby convey, transfer, and deliver to the City, its successors and assigns, those certain facilities described as follows:

Those certain water, sanitary sewer, and storm sewer facilities, and all related appurtenances, to serve Fulshear Trace Second Extension (except any detention ponds, any drainage channels, and any non-potable water facilities) constructed to date on behalf of the District pursuant to the construction contract (“Construction Contract”) between the District and Allgood Construction Company (“Contractor”) dated November 12, 2018, which facilities are located within or near the boundaries of the District, and together with any improvements, structures, storm sewer mains, plants, service pumps, storage reservoirs, electrical equipment, plant equipment, distribution lines, collection lines, water mains, lift stations, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements, rights-of-way, licenses, operating rights and all other property therein whether real, personal or mixed, owned by the District in connection with the facilities being conveyed hereby (the “Facilities”). Some or all of the Facilities are located within or near the land shown on the plat for Fulbrook on Fulshear Creek Section Five that is recorded under Plat No. 20190115 in the Plat Records of Fort Bend County, Texas.

The District constructed the Facilities and is conveying the Facilities to the City pursuant to the Utility Agreement by and between the City and the District, as amended (the “Utility Agreement”). Sections 2.09 and 2.10 of the Utility Agreement require that the District Facilities (as defined therein) be conveyed to the City for ownership, operation and maintenance, subject to a security interest retained by the District.

The District hereby reserves a security interest in the Facilities, more particularly described in Section 2.09 of the Utility Agreement, to secure the performance of the City’s obligations under the Utility Agreement. The District reserves said security interest under Texas law and the Utility Agreement.

The District hereby reserves the full capacity of the Facilities.

The District hereby assigns to the City all rights (including, without limitation, all rights under the Construction Contract, to the extent the Construction Contract allows assignment of such rights), maintenance bonds, warranties and manufacturer's warranties, if any, owned or acquired by the District for the Facilities. Notwithstanding any provision hereof, this Utility Conveyance and Security Agreement shall not be construed to limit or modify any indemnity obligations, or any other obligations, that Contractor, or its surety, may otherwise have to the District or to any other party under the Construction Contract.

The City hereby agrees by its acceptance of this conveyance to operate and maintain the Facilities in accordance with the terms of the Utility Agreement.

This Utility Conveyance and Security Agreement is effective as of the later of: (i) the date that the District executes this instrument; or (ii) the date that the City executes this instrument.

FULSHEAR MUNICIPAL UTILITY DISTRICT
NO. 1 OF FORT BEND COUNTY

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

Secretary, Board of Directors

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____, 2019, by _____, as _____, and _____, as _____, of the Board of Directors of Fulshear Municipal Utility District No. 1 of Fort Bend County, a political subdivision of the State of Texas, on behalf of said political subdivision.

Notary Public, State of Texas

(NOTARY SEAL)

In accordance with the Utility Agreement, as defined above, the City hereby accepts this Utility Conveyance and Security Agreement. Such City acceptance is effective as of the later of: (i) the date that the District executes this instrument; or (ii) the date that the City executes this instrument.

CITY OF FULSHEAR, TEXAS

By: _____
Name: _____
Title: Mayor
Date: _____

ATTEST:

City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the _____ day of _____, 2019, by _____ as Mayor of the City of Fulshear, Texas, on behalf of said City.

Notary Public, State of Texas

(NOTARY SEAL)

AFTER RECORDING RETURN TO: Jennifer Ramirez, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, TX 77027.

STREET ACCEPTANCE

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF FORT BEND §

WHEREAS, a plat for Fulshear Trace Second Extension has been recorded under Plat No. 20190115 in the Plat Records of Fort Bend County, Texas, and street(s) (and culvert facilities, if any) have been constructed within the land shown on such plat (collectively, the "Streets"); and

WHEREAS, the City of Fulshear, Texas (the "City"), desires to accept the Streets for operation and maintenance.

Now, Therefore, the City hereby accepts the Streets for operation and maintenance by the City.

CITY OF FULSHEAR, TEXAS

Mayor

ATTEST:

City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the _____ day of _____, 2019, by _____ as Mayor of the City of Fulshear, Texas, on behalf of said City.

Notary Public, State of Texas

(NOTARY SEAL)

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: IX.C.

**DATE
SUBMITTED:**

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONSENT AND APPROVAL OF JORDAN RANCH SECTION 19 FINAL PLAT

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

RECOMMENDATION

Staff recommends City Council approve the plat as submitted.

ATTACHMENTS:

Description	Upload Date	Type
Jordan Ranch 19 Final Plat Supporting Documents	11/12/2019	Backup Material
Jordan Ranch Sec 19 - Signature Sheet	11/14/2019	Backup Material



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

Subdivision/Development Platting Application

Date: 10/16/2019

Date Received by the City of Fulshear:

Subdivision: Jordan Ranch Section 19 Development: Jordan Ranch

SUBMITTAL OF PLAT: (Check Appropriate Selection)

___ Preliminary ___ Final ___ Short Form Final
___ Replat ___ Vacation Plat ___ Admin. (Minor) Plat
___ Amending Plat

TYPE OF PLAT: (Check Appropriate Selection)

X Single-Family Residential ___ Zero Lot Line/ Patio Home ___ Multi-Family Residential
___ Planned Development ___ Commercial ___ Industrial

Plat Location: ___ City X ETJ (Extraterritorial Jurisdiction)

Legal Description:

Variance: ___ Yes (Attach a Copy of Approval Letter) X No

Total Acreage: 23.617

Number of Streets: 5

Number of Lots: 91

Number and Types of Reserves: 3 (Landscape/Open Space/Utilities)

Total Acres in Reserve: 4.081

Owner: FORT BEND JORDAN RANCH LP

Address: 5005 Riverway Drive, Suite 500

City/State: Houston, TX

Telephone: (713) 960-9977

Email Address: steves@johnsondev.com

Engineer/Planner: IDS Engineering Group

Contact Person: John R. Herzog, P.E.

Telephone: (713) 462-3178

Fax Number:

Email Address: jherzog@idseg.com

Platting Fees

Preliminary Plat - \$500.00 plus 3.50 per lot, plus \$12.50 per acre
Final Plat - \$500.00 plus \$5.00 per lot plus \$25.00 per acre
Replat - \$500.00 plus 5.00 per lot plus \$25.00 per acre
Amending or Minor Plat - \$200.00
Plat Vacation - \$500.00
2nd Review of plats - \$100.00 (each additional review)
TOTAL PLATTING FEE \$1545.43
Park Fees (due at Final Plat Application) \$40,950*

*Per development agreement, Park Fees will be paid prior to the plat being recorded

This is to certify that the information on this form is complete, true and correct and the undersigned is authorized to make this application. I understand that if all necessary information, required documents, and plat fees are required at time of submittal or the City of Fulshear will not complete the review needed in order to submit to the P&Z board.

Handwritten signature of John R. Herzog

SIGNATURE

John R. Herzog, P.E., Project Manager

TYPED OR PRINTED NAME/TITLE

10/16/2019

DATE

STATE OF TEXAS

COUNTY OF FORT BEND

I, STEPHEN A. SAMS, Vice President of JOHNSON JORDAN RANCH GP LLC, a Texas limited liability company, the general partner of FORT BEND JORDAN RANCH LP, a Texas limited partnership, hereinafter referred to as owners of the 23.617 acre tract described in the above and foregoing map of JORDAN RANCH SEC 19, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat, and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors, and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of single family residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land twenty (20) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws and drainage ditches located in said subdivision, as easements for drainage purposes. Fort Bend County or any other governmental agency shall have the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, We do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of JORDAN RANCH SEC 19 where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

FURTHER, Owners do hereby acknowledge the receipt of the "Orders for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004, and any subsequent amendments.

IN TESTIMONY WHEREOF, JOHNSON JORDAN RANCH GP LLC, a Texas limited liability company, as general partner of FORT BEND JORDAN RANCH LP, a Texas limited partnership, has caused these presents to be signed by Stephen A. Sams, Vice President, this ___ day of _____, 2019.

By: FORT BEND JORDAN RANCH LP, a Texas Limited Partnership

By: JOHNSON JORDAN RANCH GP, LLC a Texas Limited Liability Company It's General Partner

By: Stephen A. Sams, Vice President

I, Douglas W. Turner, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT."

Douglas W. Turner, R.P.L.S. Registered Professional Land Surveyor Texas Registration No. 3988

I, John R. Herzog, A Professional Engineer registered in the State of Texas do hereby certify that this plat meets the requirements of Fort Bend County to the best of my knowledge.

John R. Herzog, P.E. Licensed Professional Engineer, No.126468

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF JOHN R. HERZOG, P.E. 126468 ON 10/10/19, IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

This plat of JORDAN RANCH SEC 19 is approved by the City Planning and Zoning Commission of the City of Fulshear, Texas this ___ day of _____, 2019.

Amy Pearce, Chair

Dar Hakimzadeh, Co-Chair

The plat of JORDAN RANCH SEC 19 was approved by the City of Fulshear Council on the ___ day of _____, 2019, and signed on this ___ day of _____, 2019, provided; however, this approval shall be invalid, and null and void, unless this plat if filed with the County Clerk of Fort Bend, Texas within one (1) year hereafter.

Aaron Groff, Mayor

Kimberly Kopecky, City Secretary

NOTES

- 1. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the combined scale factor of 1.00013.
2. B.L. indicates a building line
A.E. indicates a aerial easement
U.E. indicates a utility easement
W.S.E indicates a water and sewer easement
VOL., PG. indicates Volume, Page
P.R.F.B.C. indicates Plat Records of Fort Bend County
O.P.R.F.B.C. indicates Official Public Records of Fort Bend County
O.R.F.B.C. indicates Original Records of Fort Bend County
F.B.C. O.P.R.R.P. indicates Fort Bend County Official Public Records of Real Property
ESMT. indicates Easement
H.L. & P. indicates Houston Lighting and Power
SQ. FT. indicates square feet
AC. indicates acre
R.O.W. indicates right-of-way
• indicates found 5/8" iron rod (unless otherwise noted)
• indicates set 5/8" iron rod with plastic cap stamped "IDS" (unless otherwise noted)

indicates street name change

- 3. All building lines along street rights-of-way are as shown on the plat.
4. All sidelot building lines to be 5' unless otherwise noted.
5. All non-perimeter easements on property lines are centered unless otherwise noted.
6. All bearings are based on the Texas Coordinate System of 1983, South Central Zone.
7. One-foot reserve dedicated for buffer purposes to the public 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 or re-subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revert in the dedicator, his heirs, assigns, or successors.
8. The platted area is located within Zone X, defined as areas determined to be outside the 500 year floodplain, per FEMA Flood Insurance Rate Map Panel No. 48157C0020L, effective April 02, 2014.
9. This property lies within the extraterritorial jurisdiction of the City of Fulshear, Fort Bend County, Texas, Fulshear Municipal Utility District No. 3A and within County Assistance District (CAD) No. 7.
10. Sidewalks shall be built or caused to be built not less than 5 feet in width on both sides of all dedicated rights-of-way within said plat and on the contiguous right-of-way of all perimeter roads surrounding said plat, in accordance with the A.D.A.
11. The top of all floor slabs shall be a minimum of 153.50 feet above mean sea level. The top of slab elevation at any point on the perimeter of the slab shall not be less than eighteen (18) inches above natural ground.
12. The drainage system for this subdivision is designed in accordance with the "Fort Bend County Drainage Criteria Manual" which allows street ponding with intense rainfall events.
13. All drainage easements are to be kept clear of fences, buildings, vegetation and other obstructions to the operation and maintenance by the drainage facility. All property is required to drain into the drainage easement through an approved drainage structure.
14. The Lighting Zone Code is LZ3.
15. To the best of the engineer's knowledge, all existing pipeline easements within the subdivision are shown on the plat.
16. Absent written authorization by the affected utilities, all utility easements must be kept unobstructed from any non-utility improvements or obstruction by property owner. Any unauthorized improvements or obstructions may be removed by the utility at the property owner's expense.
17. Benchmark: Vertically is based on a FEMA benchmark in Katy, RM 7: A US Coast and Geodetic survey disk marked Y 1148, located 0.3 ± miles east along the Missouri-Kansas-Texas railroad from the station at Katy and 5.2 feet ± southwest of the southeast corner of the American Rice Growers Co-op Association office building. Held the Published NAVD 88 Elevation on Y1148 = 141.44 Elevation = 142.00 (NAVD 1929 - datum based on FEMA maps)
18. Reserves A, B, and C within this plat will be owned and maintained by Fulshear M.U.D. No. 3A. Maintenance will be performed by either Fulshear M.U.D. No. 3A or the Jordan Ranch Community Association.
19. A minimum distance of 10' shall be maintained between residential dwellings.
20. Site plans shall be submitted to Fort Bend County and any other applicable jurisdiction for review and approval. Development Permits and all other applicable permits shall be obtained from Fort Bend County prior to beginning construction.
21. The minimum distance of twenty-two (22) feet shall be maintained between a front facing garage and the edge of the sidewalk.

BEING 23.617 acres of land in the J.G. Bennett Survey, Abstract Number 611, Fort Bend County, Texas and being a portion of the 1352.43 acre tract described in the deed from The Massimo Fabio Silvestri Irrevocable Trust and The Rocco Paolo Silvestri Irrevocable Trust to Fort Bend Jordan Ranch LP recorded under File Number 2015027940 in the Official Public Records of Fort Bend County, Texas and more particularly described by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 5/8-inch iron rod with cap stamped "IDS" found for the southeast corner of JORDAN RANCH SEC. 13 according to the plat thereof recorded under Film Code No. 20190156, in the Official Plat Records of Fort Bend County, Texas and the southwest corner of the herein described tract, in a south line of said 1352.43 acre tract;

THENCE North 12° 33' 12" West - 1215.58 feet, with the east line of said JORDAN RANCH SEC. 13 and the east line of JORDAN RANCH SEC. 13 according to the plat thereof recorded under Film Code No. 20190156 in the Official Plat Records of Fort Bend County, Texas and the east line of JORDAN RANCH SEC. 7 according to the plat thereof recorded under Film Code No. 20190099 in the Official Plat Records of Fort Bend County, Texas, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner the herein described tract;

THENCE North 77° 26' 48" East - 75.00 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 37° 20' 09" East - 190.11 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the north corner the herein described tract and the beginning of a non-tangent curve to the right;

THENCE in a southeasterly direction, with said curve to the right, having a radius of 1450.00 feet, a central angle of 06° 39' 16", a chord bearing and distance of South 48° 56' 30" East - 168.31 feet, and an arc distance of 168.41 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the end of curve;

THENCE South 45° 36' 53" East - 161.92 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the Point of Curvature of a curve to the left;

THENCE in a southeasterly direction, with said curve to the left, having a radius of 1850.00 feet, a central angle of 20° 48' 54", a chord bearing and distance of South 56° 01' 20" East - 668.39 feet, and an arc distance of 672.08 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the Point of Reverse Curvature of a curve to the right;

THENCE in a southerly direction, with said curve to the right, having a radius of 30.00 feet, a central angle of 87° 10' 15", a chord bearing and distance of South 22° 50' 39" East - 41.37 feet, and an arc distance of 45.64 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the end of curve;

THENCE South 67° 15' 34" East - 60.04 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the beginning of a non-tangent curve to the right;

THENCE in a northeasterly direction, with said curve to the right, having a radius of 30.00 feet, a central angle of 89° 10' 15", a chord bearing and distance of North 65° 19' 36" East - 42.12 feet, and an arc distance of 46.69 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the Point of Reverse Curvature of a curve to the left;

THENCE in an easterly direction, with said curve to the left, having a radius of 1850.00 feet, a central angle of 06° 51' 40", a chord bearing and distance of South 73° 31' 07" East - 221.40 feet, and an arc distance of 221.53 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner the herein described tract;

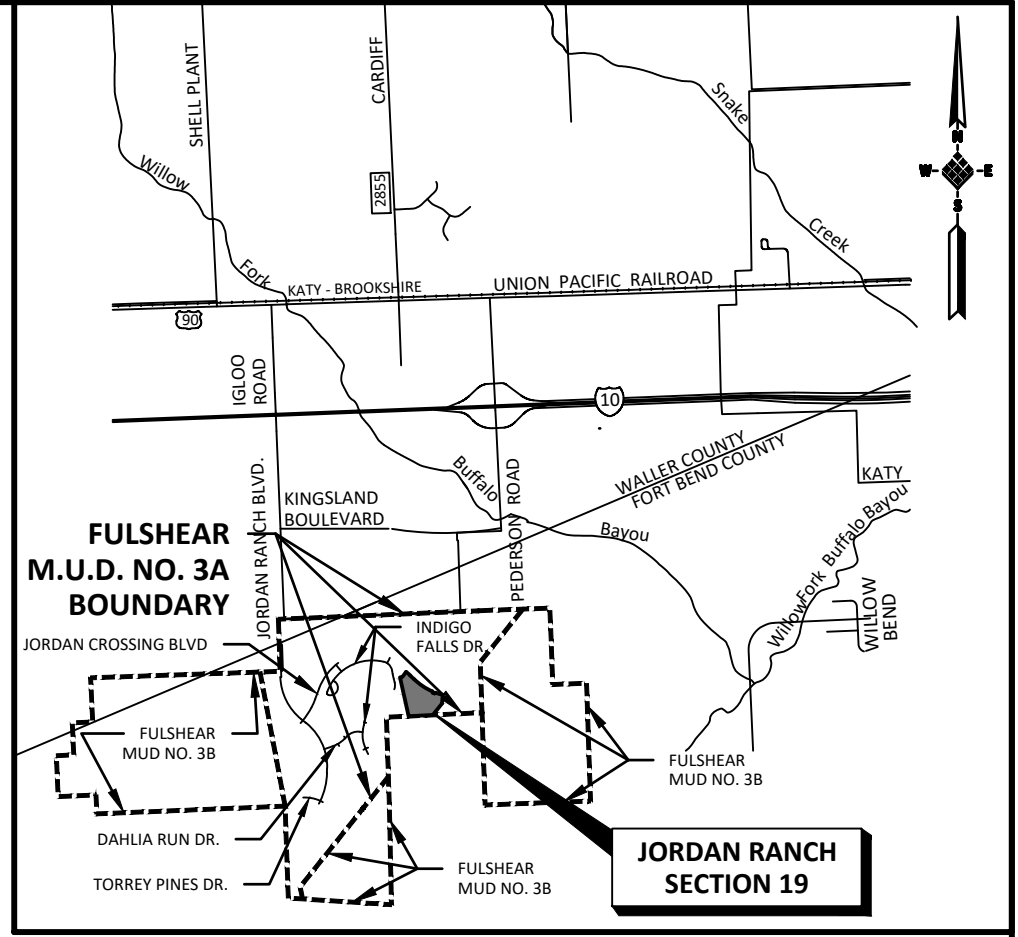
THENCE South 04° 22' 38" West - 261.89 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 38° 42' 33" West - 374.83 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 39° 29' 56" West - 66.61 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 38° 42' 58" West - 12.16 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract, in a south line of said 1352.43 acre tract;

THENCE South 87° 14' 45" West - 739.70 feet, with a south line of said 1352.43 acre tract, to the POINT OF BEGINNING of the herein described tract and containing 23.617 acres of land.



FORT BEND COUNTY KEY MAP NO. 483J VICINITY MAP SCALE 1" = 5,000'

I, J. Stacy Slawinski, Fort Bend County Engineer, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Fort Bend County Commissioners' Court. However, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or on any other area or subdivision within the watershed.

J. Stacy Slawinski, P.E. Fort Bend County Engineer

APPROVED by the Commissioners' Court of Fort Bend County, Texas, this ___ day of _____, 2019.

Vincent M. Morales, Jr. Precinct 1, County Commissioner

W.A. "Andy" Meyers Precinct 3, County Commissioner

K.P. George, County Judge

Grady Prestage Precinct 2, County Commissioner

Ken R. DeMerchant Precinct 4, County Commissioner

I, Laura Richard, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recordation in my office on ___ day of _____, 2019, at ___ o'clock ___ M. Filed in plat number(s) ___ of the plat records of Fort Bend County, Texas.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

Laura Richard, County Clerk Fort Bend County, Texas

By: Deputy

JORDAN RANCH SEC 19

A SUBDIVISION OF 23.617 ACRES

LOCATED IN J.G. BENNETT SURVEY, A-611 FORT BEND COUNTY, TEXAS

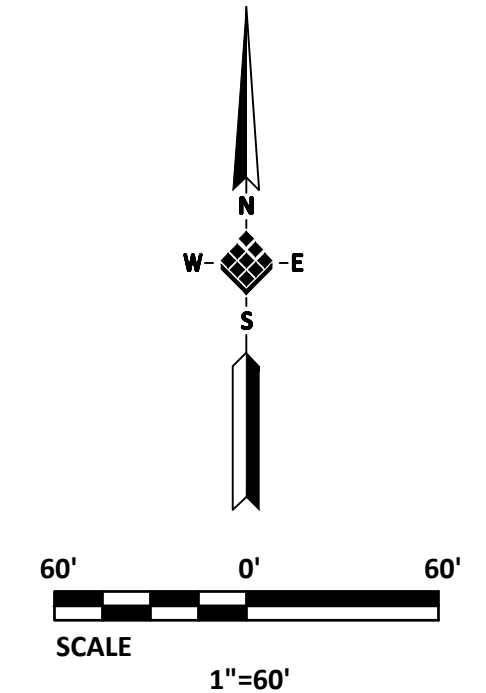
91 LOTS 2 BLOCKS 3 RESERVES

OWNER: FORT BEND JORDAN RANCH LP

ENGINEER: IDS Engineering Group

13430 NW Freeway Suite 700 Houston, Tx 77040 713.462.3178

Table with 2 columns: DISTRICT NAMES and COUNTY ASSISTANCE DISTRICT NO. 7. Rows include WCID, MUD, LID, DID, SCHOOL, FIRE, IMPACT FEE AREA, CITY OR CITY ETJ, UTILITIES CO., and various utility providers like SIENERGY and COMCAST.



CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	6°39'16"	1,450.00'	168.41'	84.30'	S48°56'30"E	168.31'
C2	20°48'54"	1,850.00'	672.08'	339.79'	S56°01'20"E	668.39'
C3	87°10'15"	30.00'	45.64'	28.55'	S22°50'39"E	41.37'
C4	89°10'15"	30.00'	46.69'	29.57'	N65°19'36"E	42.12'
C5	6°51'40"	1,850.00'	221.53'	110.90'	S73°31'07"E	221.40'
C6	2°00'25"	2,030.00'	71.10'	35.55'	N70°15'44"W	71.10'
C7	49°38'31"	55.00'	47.65'	25.44'	N46°26'41"W	46.18'
C8	42°06'38"	55.00'	40.42'	21.17'	S00°34'07"E	39.52'
C9	57°37'39"	375.00'	377.17'	206.28'	S49°18'02"W	361.47'
C10	9°07'54"	375.00'	59.77'	29.95'	S82°40'48"W	59.70'
C11	40°06'02"	50.00'	34.99'	18.25'	N72°42'14"W	34.28'
C12	40°06'01"	50.00'	34.99'	18.25'	N32°36'13"W	34.28'
C13	20°59'14"	500.00'	183.15'	92.61'	N66°57'11"E	182.12'
C14	5°55'56"	1,000.00'	103.54'	51.81'	N74°28'50"E	103.49'
C15	15°42'10"	300.00'	82.22'	41.37'	N79°21'57"E	81.96'
C16	23°31'26"	300.00'	123.17'	62.47'	N81°01'15"W	122.31'
C17	90°37'43"	25.00'	39.54'	25.28'	S24°34'24"E	35.55'
C18	2°07'19"	2,000.00'	74.07'	37.04'	S70°56'54"E	74.06'
C19	13°30'32"	25.00'	5.89'	2.96'	S78°45'49"E	5.88'
C20	132°38'45"	50.00'	115.76'	114.03'	S19°11'43"E	91.58'
C21	27°19'50"	25.00'	11.93'	6.08'	S33°27'44"W	11.81'
C22	67°26'56"	405.00'	476.77'	270.35'	S53°31'17"W	449.71'
C23	13°15'41"	25.00'	5.79'	2.91'	S80°36'54"W	5.77'
C24	106°43'26"	50.00'	93.13'	67.23'	N52°39'14"W	80.24'
C25	13°15'41"	25.00'	5.79'	2.91'	N05°55'21"W	5.77'
C26	21°02'22"	25.00'	9.18'	4.64'	N23°04'23"W	9.13'
C27	258°48'31"	50.00'	225.85'	60.86'	S84°11'19"E	77.27'
C28	57°46'09"	25.00'	25.21'	13.79'	S16°19'52"W	24.15'
C29	93°59'21"	25.00'	41.01'	26.80'	S59°32'52"E	36.56'
C30	10°48'05"	470.00'	88.60'	44.43'	N68°03'25"E	88.47'
C31	46°01'19"	25.00'	20.08'	10.62'	N39°38'43"E	19.55'
C32	265°30'19"	50.00'	231.70'	54.08'	S30°36'47"E	73.43'
C33	40°07'54"	25.00'	17.51'	9.13'	S82°04'25"W	17.16'
C34	12°14'29"	530.00'	113.24'	56.83'	S68°07'42"W	113.02'
C35	86°48'09"	25.00'	37.87'	23.64'	S30°50'52"W	34.36'
C36	90°00'00"	25.00'	39.27'	25.00'	S57°33'12"E	35.36'
C37	5°55'56"	970.00'	100.43'	50.26'	N74°28'50"E	100.38'
C38	25°41'50"	150.00'	67.28'	34.21'	N58°39'57"E	66.71'
C39	82°48'14"	50.00'	72.26'	44.08'	N87°13'09"E	66.13'
C40	25°24'29"	150.00'	66.52'	33.82'	S64°04'58"E	65.97'
C41	7°31'41"	330.00'	43.36'	21.71'	S73°01'22"E	43.33'
C42	90°00'00"	25.00'	39.27'	25.00'	N65°44'28"E	35.36'
C43	5°55'56"	1,030.00'	106.64'	53.37'	S74°28'50"W	106.59'
C44	39°13'36"	270.00'	184.85'	96.21'	N88°52'20"W	181.26'
C45	2°00'25"	2,060.00'	72.15'	36.08'	N70°15'44"W	72.15'
C46	91°45'09"	25.00'	40.03'	25.78'	N25°23'22"W	35.89'
C47	44°28'05"	345.00'	267.76'	141.03'	N42°43'15"E	261.09'
C48	89°24'47"	25.00'	39.01'	24.75'	S70°20'19"E	35.17'
C49	153°06'46"	50.00'	133.62'	209.17'	N77°48'41"E	97.26'
C50	85°59'27"	25.00'	37.52'	23.31'	N44°15'02"E	34.10'
C51	80°12'03"	25.00'	34.99'	21.05'	S52°39'14"E	32.21'
C52	90°00'00"	25.00'	39.27'	25.00'	S32°26'48"W	35.36'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S20°44'28"W	151.48'
L2	N69°15'32"W	33.33'
L3	S68°23'34"W	2.87'
L4	N11°53'09"W	45.58'
L5	S87°14'45"W	241.51'
L6	N37°20'46"E	8.17'
L7	N12°33'12"W	284.60'
L8	N12°33'12"W	320.00'
L9	N12°33'12"W	340.11'
L10	N77°26'48"E	15.00'
L11	N77°26'48"E	24.04'
L12	S77°26'48"W	76.76'
L13	N71°30'52"E	107.67'
L14	N02°46'58"W	11.40'
L15	N69°15'32"W	82.85'
L16	N77°26'48"E	21.76'
L17	S69°15'32"E	27.85'
L18	S77°26'48"W	21.76'
L19	N65°15'02"E	14.23'
L20	S04°24'36"E	20.00'
L21	S68°27'14"E	20.00'
L22	S88°19'44"E	13.84'
L23	S00°09'41"E	20.00'
L24	S75°46'53"W	20.00'
L25	N69°14'37"W	35.00'
L26	N24°15'32"W	14.85'

MATCH LINE - SEE SHEET 3

RESERVE TABLE				
RESERVE NAME	RESTRICTION	SQ. FT.	ACRES	
(A)	A	LANDSCAPE/OPEN SPACE/UTILITIES	5,644	0.130
(B)	B	LANDSCAPE/OPEN SPACE/UTILITIES/PIPELINES	138,973	3.190
(C)	C	LANDSCAPE/OPEN SPACE/UTILITIES	33,167	0.761

JORDAN RANCH SEC 19

A SUBDIVISION OF
23.617 ACRES

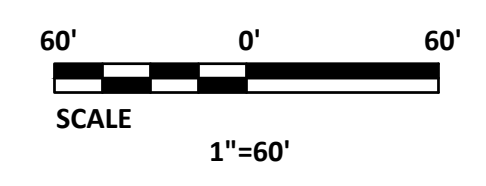
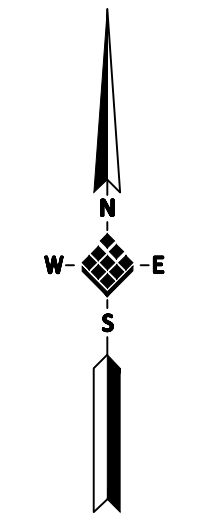
LOCATED IN
J.G. BENNETT SURVEY, A-111
FORT BEND COUNTY, TEXAS

91 LOTS 2 BLOCKS 3 RESERVES

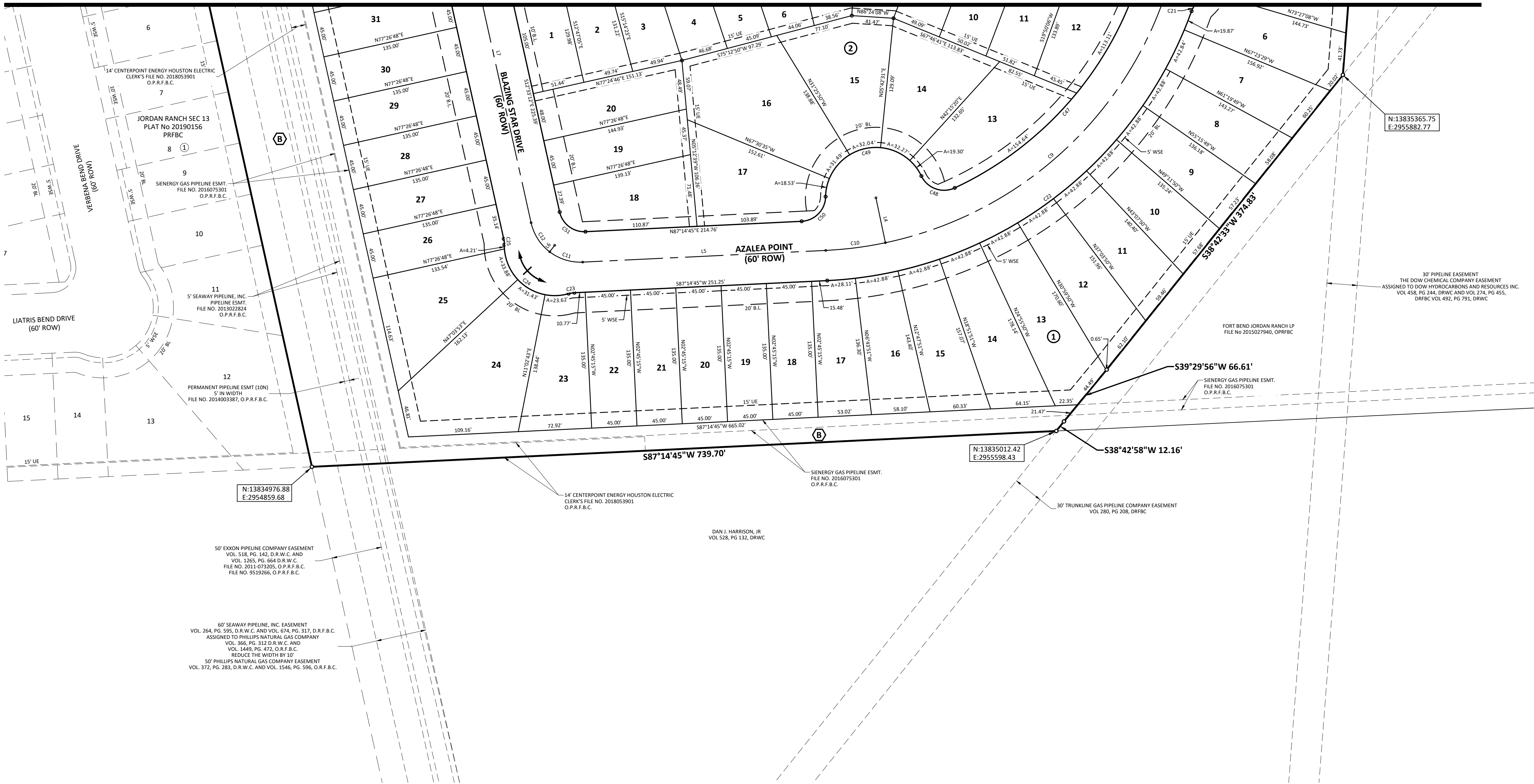
OWNER: FORT BEND JORDAN RANCH LP

ENGINEER: IDS Engineering Group

JORDAN RANCH SEC 19



MATCH LINE - SEE SHEET 2



CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	6°39'16"	1,450.00'	168.41'	84.30'	S48°56'30"E	168.31'
C2	20°48'54"	1,850.00'	672.08'	339.79'	S56°01'20"E	668.39'
C3	87°10'15"	30.00'	45.64'	28.55'	S22°50'39"E	41.37'
C4	89°10'15"	30.00'	46.69'	29.57'	N65°19'36"E	42.12'
C5	6°51'40"	1,850.00'	221.53'	110.90'	S73°31'07"E	221.40'
C6	2°00'25"	2,060.00'	71.10'	35.55'	N70°15'44"W	71.10'
C7	49°38'31"	55.00'	47.65'	25.44'	N46°26'41"W	46.18'
C8	42°06'38"	55.00'	40.42'	21.17'	S00°34'07"E	39.52'
C9	57°37'39"	375.00'	377.17'	206.28'	S49°18'02"W	361.47'
C10	9°07'54"	375.00'	59.77'	29.95'	S82°40'48"W	59.70'
C11	40°06'02"	50.00'	34.99'	18.25'	N72°42'14"W	34.28'
C12	40°06'01"	50.00'	34.99'	18.25'	N32°36'13"W	34.28'
C13	20°59'14"	500.00'	183.15'	92.61'	N66°57'11"E	182.12'
C14	5°55'56"	1,000.00'	103.54'	51.81'	N74°28'50"E	103.49'
C15	15°42'10"	300.00'	82.22'	41.37'	N79°21'57"E	81.96'
C16	23°31'26"	300.00'	123.17'	62.47'	N81°01'15"W	122.31'
C17	90°37'43"	25.00'	39.54'	25.28'	S24°34'24"E	35.55'
C18	2°07'19"	2,000.00'	74.07'	37.04'	S70°56'54"E	74.06'
C19	13°30'32"	25.00'	5.89'	2.96'	S78°45'49"E	5.88'
C20	132°38'45"	50.00'	115.76'	114.03'	S19°11'43"E	91.58'
C21	27°19'50"	25.00'	11.93'	6.08'	S33°27'44"W	11.81'
C22	67°26'56"	405.00'	476.77'	270.35'	S53°31'17"W	449.71'
C23	13°15'41"	25.00'	5.79'	2.91'	S80°36'54"W	5.77'
C24	106°43'26"	50.00'	93.13'	67.23'	N52°39'14"W	80.24'
C25	13°15'41"	25.00'	5.79'	2.91'	N05°55'21"W	5.77'
C26	21°02'22"	25.00'	9.18'	4.64'	N23°04'23"W	9.13'
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C51	80°12'03"	25.00'	34.99'	21.05'	S52°39'14"E	32.21'
C52	90°00'00"	25.00'	39.27'	25.00'	S32°26'48"W	35.36'

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L7	N12°33'12"W	284.60'
L8	N12°33'12"W	320.00'
L9	N12°33'12"W	340.11'
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L22	S88°19'44"E	13.84'
L23	S00°09'41"E	20.00'
L24	S75°46'53"W	20.00'
L25	N69°14'37"W	35.00'
L26	N24°15'32"W	14.85'

RESERVE TABLE				
RESERVE NAME	RESTRICTION	SQ. FT.	ACRES	
(A)	A	LANDSCAPE/OPEN SPACE/UTILITIES	5,644	0.130
(B)	B	LANDSCAPE/OPEN SPACE/UTILITIES/PIPELINES	138,973	3.190
(C)	C	LANDSCAPE/OPEN SPACE/UTILITIES	33,167	0.761

JORDAN RANCH SEC 19

A SUBDIVISION OF
23.617 ACRES

LOCATED IN
J.G. BENNETT SURVEY, A-111
FORT BEND COUNTY, TEXAS

91 LOTS 2 BLOCKS 3 RESERVES

OWNER: FORT BEND JORDAN RANCH LP
a Texas limited partnership
5005 RIVERWAY DRIVE, SUITE 500, HOUSTON, TEXAS 77056 (713) 960-9977

ENGINEER: **IDS Engineering Group**
13430 NW Freeway Suite 700
Houston, TX 77040
713.462.3178
TBE F-002716
TBRFS 10110700

I:\GIS\Projects\21020\2141029-01\Drawings\2141029-01_Sheet3.dwg [Layout1] Plotted Oct 10, 2019 at 3:16pm by msteele (User: msteele) (User: msteele)

JORDAN RANCH SEC 19

November 4, 2019

Engineering Review

Final Plat
Jordan Ranch Section Nineteen
Fort Bend County, Texas

For Information only:

1. This plat will create 91 Lots in two (2) Blocks with three (3) Reserves that covers a total acreage of 23.617 acres.
2. The typical lot in this section is 45-foot by 130-foot with a 20-foot Front Building Line.
3. Access to this section is provided by an extension of Hickory Bend Lane by way of Jordan Crossing Blvd.
4. Since this section is located in the E.T.J. of the City approval will be required from both the City of Fulshear and Fort Bend County.

Recommendations:

I recommend that this Final Plat of Jordan Ranch Section Nineteen be denied approval with the following considerations:

- A) A Table needs to be added to the face of the plat showing the number of 45-foot wide lots in each section and their percentage of the total.



CITY OF FULSHEAR
Registration & Permit Department
Ph: (281) 346- 1796 fax: (281) 346-2556
30603 FM 1093 P.O. Box 279 Fulshear, TX 77441

PLATTING AND SUBDIVISION REVIEW

Plan or Plat: Jordan Ranch Section 19 Final Plat

City Engineer Review

Reviewed
 See Attached Letter

BY: DAVID LEYENDECKER DATE: 11/4/2019

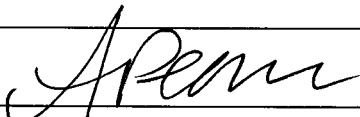
Director of Development Services

Processed
 Returned for additional data

BY: Zach Goodlander DATE: 10/21/2019

Planning Commission Review

Approved
 Returned for additional data

BY:  DATE: 8 Nov 2019

City Council Review

Approved
 Returned for additional data

BY: _____ DATE: _____

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: IX.D.

**DATE
SUBMITTED:** 11/11/2019

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONSENT AND APPROVAL OF JORDAN RANCH STREET DEDICATION #5 FINAL PLAT

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

RECOMMENDATION

Staff recommends City Council approve the plat as submitted.

ATTACHMENTS:

Description	Upload Date	Type
Jordan Ranch St Ded #5 Final Plat Supporting Documents	11/12/2019	Backup Material
Signature - P&Z	11/14/2019	Backup Material



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

Subdivision/Development Platting Application

Date: 10/17/2019 Date Received by the City of Fulshear:

Subdivision: Jordan Ranch St Ded No. 5 Development: Jordan Ranch

SUBMITTAL OF PLAT: (Check Appropriate Selection)

Preliminary, Replat, Amending Plat, Final, Vacation Plat, Short Form Final, Admin. (Minor) Plat

TYPE OF PLAT: (Check Appropriate Selection)

Single-Family Residential, Zero Lot Line/ Patio Home, Multi-Family Residential, Planned Development, Commercial, Industrial

Plat Location: City, ETJ (Extraterritorial Jurisdiction)

Legal Description: See Attached Plat for Metes and Bounds Description

Variance: Yes (Attach a Copy of Approval Letter), No

Total Acreage: 13.522, Number of Streets: 1, Number of Lots: 0, Number and Types of Reserves: 1 (Landscape/Open Space/Utilities/Detention/Drainage), Total Acres in Reserve: 11.787

Owner: FORT BEND JORDAN RANCH LP, Address: 5005 Riverway Drive, Suite 500, City/State: Houston, TX, Telephone: (713) 960-9977, Email Address: steves@johnsondev.com

Engineer/Planner: IDS Engineering Group, Contact Person: John R. Herzog, P.E., Telephone: (713) 462-3178, Fax Number:, Email Address: jherzog@idseg.com

Table with 1 column: Platting Fees. Rows include Preliminary Plat, Final Plat, Replat, Amending or Minor Plat, Plat Vacation, 2nd Review of plats, TOTAL PLATTING FEE \$838.05, Park Fees (due at Final Plat Application) \$0*

*Per development agreement, Park Fees will be paid prior to the plat being recorded

This is to certify that the information on this form is complete, true and correct and the undersigned is authorized to make this application. I understand that if all necessary information, required documents, and plat fees are required at time of submittal or the City of Fulshear will not complete the review needed in order to submit to the P&Z board.

Signature line with handwritten signature, John R. Herzog, P.E., Project Manager, 10/17/2019, SIGNATURE, TYPED OR PRINTED NAME/TITLE, DATE

STATE OF TEXAS

COUNTY OF FORT BEND

I, STEPHEN A. SAMS, Vice President of JOHNSON JORDAN RANCH GP LLC, a Texas limited liability company, the general partner of FORT BEND JORDAN RANCH LP, a Texas limited partnership, hereinafter referred to as owners of the 13.522 acre tract described in the above and foregoing map of JORDAN RANCH STREET DEDICATION NO 5 AND RESERVES, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat, and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors, and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (UE and AE) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (UE and AE) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'0") in width.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of single family residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land twenty (20) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws and drainage ditches located in said subdivision, as easements for drainage purposes. Fort Bend County or any other governmental agency shall have the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, We do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of JORDAN RANCH STREET DEDICATION NO 5 AND RESERVES where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

FURTHER, Owners do hereby acknowledge the receipt of the Orders for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas, and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004, and any subsequent amendments.

IN TESTIMONY WHEREOF, JOHNSON JORDAN RANCH GP LLC, a Texas limited liability company, as general partner of FORT BEND JORDAN RANCH LP, a Texas limited partnership, has caused these presents to be signed by Stephen A. Sams, Vice President, this ____ day of _____, 2019.

BY: FORT BEND JORDAN RANCH LP, a Texas Limited Partnership

BY: JOHNSON JORDAN RANCH GP, LLC a Texas Limited Liability Company It's General Partner

By: Stephen A. Sams, Vice President

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Stephen A. Sams, Vice President, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2019.

Notary Public in and for the State Of Texas

I, Douglas W. Turner, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT."

Douglas W. Turner, RPLS Registered Professional Land Surveyor Texas Registration No 3988

I, John R. Herzog, A Professional Engineer registered in the State of Texas do hereby certify that this plat meets the requirements of Fort Bend County to the best of my knowledge.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF JOHN R. HERZOG, P.E. 126468 ON 10/02/19. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

John R. Herzog, PE Licensed Professional Engineer, No 126468

This plat of JORDAN RANCH STREET DEDICATION NO 5 AND RESERVES is approved by the City Planning Commission of the City of Fulshear, Texas this ____ day of _____, 2019.

Amy Pearce, Chair Dar Hakimzadeh, Co-Chair

The plat of JORDAN RANCH STREET DEDICATION NO 5 AND RESERVES was approved by the City of Fulshear Council on the day of _____, 2019, and signed on this ____ day of _____, 2019; provided; however, this approval shall be invalid, and null and void, unless this plat is filed with the County Clerk of Fort Bend, Texas within one (1) year hereafter.

Aaron Groff, Mayor Kimberly Kopecky, City Secretary

NOTES

- 1. The coordinates shown hereon are Texas South Central Zone No 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the combined scale factor of 1.00013.
2. BL Indicates a building line
AE Indicates a aerial easement
UE Indicates a utility easement
WSE Indicates a water and sewer easement
VOL_PG Indicates Volume, Page
FBCPR Indicates Fort Bend County Public Records
OPRFBC Indicates Official Public Records of Fort Bend County
ESMT Indicates Easement
HL & P Indicates Houston Lighting and Power
SQ FT Indicates square feet
AC Indicates acre
ROW indicates right-of-way
ORFBC Indicates Original Records of Fort Bend County
FBCOPRFBC Indicates Fort Bend County Official Public Records of Real Property
● Indicates found 5/8" iron rod (unless otherwise noted)
○ indicates set 5/8" iron rod (unless otherwise noted)
3. All building lines along street rights-of-way are as shown on the plat.
4. All sidelot building lines to be 5' unless otherwise noted.
5. All non-perimeter easements on property lines are centered unless otherwise noted.
6. All bearings are based on the Texas Coordinate System of 1983, South Central Zone.
7. One-foot reserve dedicated for buffer purposes to the public 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 or re-subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns, or successors.
8. The platted area is located within Zone X, defined as areas determined to be outside the 500 year floodplain, per FEMA Flood Insurance Rate Map Panel No 48157C0020L, effective April 02, 2014.
9. Sidewalks shall be built or caused to be built not less than 5 feet in width on both sides of all dedicated rights-of-way within said plat and on the contiguous right-of-way of all perimeter roads surrounding said plat, in accordance with the A.D.A.
10. The top of all floor slabs shall be a minimum of 153.50 feet above mean sea level. The top of slab elevation at any point on the perimeter of the slab shall not be less than eighteen (18) inches above natural ground.
11. The drainage system for this subdivision is designed in accordance with the "Fort Bend County Drainage Criteria Manual" which allows street ponding with intense rainfall events.
12. All drainage easements are to be kept clear of fences, buildings, vegetation and other obstructions to the operation and maintenance by the drainage facility. All property is required to drain into the drainage easement through an approved drainage structure.
13. The Lighting Zone Code Is LZ3.
14. To the best of the engineer's knowledge, all existing pipeline easements within the subdivision are shown on the plat.
15. Absent written authorization by the affected utilities, all utility easements must be kept unobstructed from any non-utility improvements or obstruction by property owner. Any unauthorized improvements or obstructions may be removed by the utility at the property owner's expense.
16. Benchmark: Vertically is based on a FEMA benchmark in Katy, RM 7: A US Coast and Geodetic survey disk marked Y 1148, located 0.3 ± miles east along the Missouri-Kansas-Texas railroad from the station at Katy and 5.2 feet ± southwest of the southeast corner of the American Rice Growers Co-op Association office building. Held the Published NAVD 88 Elevation on Y1148 = 141.44 Elevation = 142.00 (NAVD 1929 - datum based on FEMA maps)
17. Reserves A, B, C, and D and other drainage facilities within this plat will be owned and maintained by Fulshear MUD No 3A or the Jordan Ranch Community Association. Maintenance will be performed by either Fulshear MUD No. 3A or the Jordan Ranch Community Association.
18. A minimum distance of 10' shall be maintained between residential dwellings.
19. All drainage easements to be kept clear of fences, buildings, vegetation and other obstructions for the purpose of the operation and maintenance of the drainage facility by the appropriate entity.
20. All property to drain into the drainage easement only through an approved drainage structure.
21. Site plans shall be submitted to Fort Bend County and any other applicable jurisdiction for review and approval. Development Permits and all other applicable permits shall be obtained from Fort Bend County prior to beginning construction.

Table with 2 columns: DISTRICT NAMES, COUNTY ASSISTANCE DISTRICT NO. 7, WCID N/A, MUD FULSHEAR M.U.D. NO. 3A, LID N/A, DID N/A, SCHOOL LAMAR CONSOLIDATED S.D., FIRE FIRE, IMPACT FEE AREA IMPACT FEE AREA, CITY OR CITY ETJ FULSHEAR, UTILITIES CO.

BEING 13.552 acres of land in the H.&T.C.R.R. Co. Survey Section 105, Abstract Number 261, Fort Bend County, Texas and being a portion of the 1352.43 acre tract described in the deed from The Massimo Fabio Silvestri Irrevocable Trust and The Rocco Paolo Silvestri Irrevocable Trust to Fort Bend Jordan Ranch LP recorded under File Number 2015027940 in the Official Public Records of Fort Bend County, Texas and more particularly described by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

COMMENCING at a 5/8-inch iron rod with cap stamped "IDS" found for the north corner of JORDAN RANCH SEC. 5 according to the plat thereof recorded under Film Code No. 20160010, in the Official Plat Records of Fort Bend County, Texas, the northeast corner of JORDAN RANCH BLVD. and JORDAN CROSSING BLVD. STREET DEDICATION NO. 1 according to the plat thereof recorded under Film Code No. 20150304, in the Official Plat Records of Fort Bend County, Texas, from which point a 5/8-inch iron rod with cap stamped "IDS" found for the north corner of said JORDAN RANCH BLVD. and JORDAN CROSSING BLVD. STREET DEDICATION NO. 1 bears North 36° 48' 10" West - 100.00 feet;

THENCE South 76° 10' 22" East - 2742.04 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 19° 54' 43" East - 333.79 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner the herein described tract;

THENCE South 85° 11' 30" East - 157.09 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 04° 22' 38" East - 110.47 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 85° 37' 22" East - 208.44 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 43° 48' 35" East - 200.46 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 00° 06' 38" West - 68.47 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 04° 02' 17" East - 69.22 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 04° 22' 38" East - 280.00 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 07° 09' 57" East - 63.96 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 30° 51' 47" West - 15.75 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE North 77° 23' 39" West - 125.60 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the west corner the herein described tract and the beginning of a non-tangent curve to the right;

THENCE in a northeasterly direction, with said curve to the right, having a radius of 220.00 feet, a central angle of 74° 01' 06", a chord bearing and distance of North 53° 16' 32" East - 264.85 feet, and an arc distance of 284.21 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the end of curve;

THENCE South 89° 42' 56" East - 145.23 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northeast corner the herein described tract;

THENCE South 00° 17' 04" West - 115.00 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 44° 42' 56" East - 14.14 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 89° 42' 56" East - 55.00 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 86° 39' 56" East - 129.22 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 67° 57' 25" East - 63.22 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northeast corner the herein described tract and the beginning of a non-tangent curve to the left;

THENCE in a southerly direction, with said curve to the left, having a radius of 2100.00 feet, a central angle of 11° 22' 45", a chord bearing and distance of South 16° 20' 15" West - 416.38 feet, and an arc distance of 417.06 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the end of curve;

THENCE South 38° 42' 33" West - 854.62 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract and the beginning of a non-tangent curve to the left;

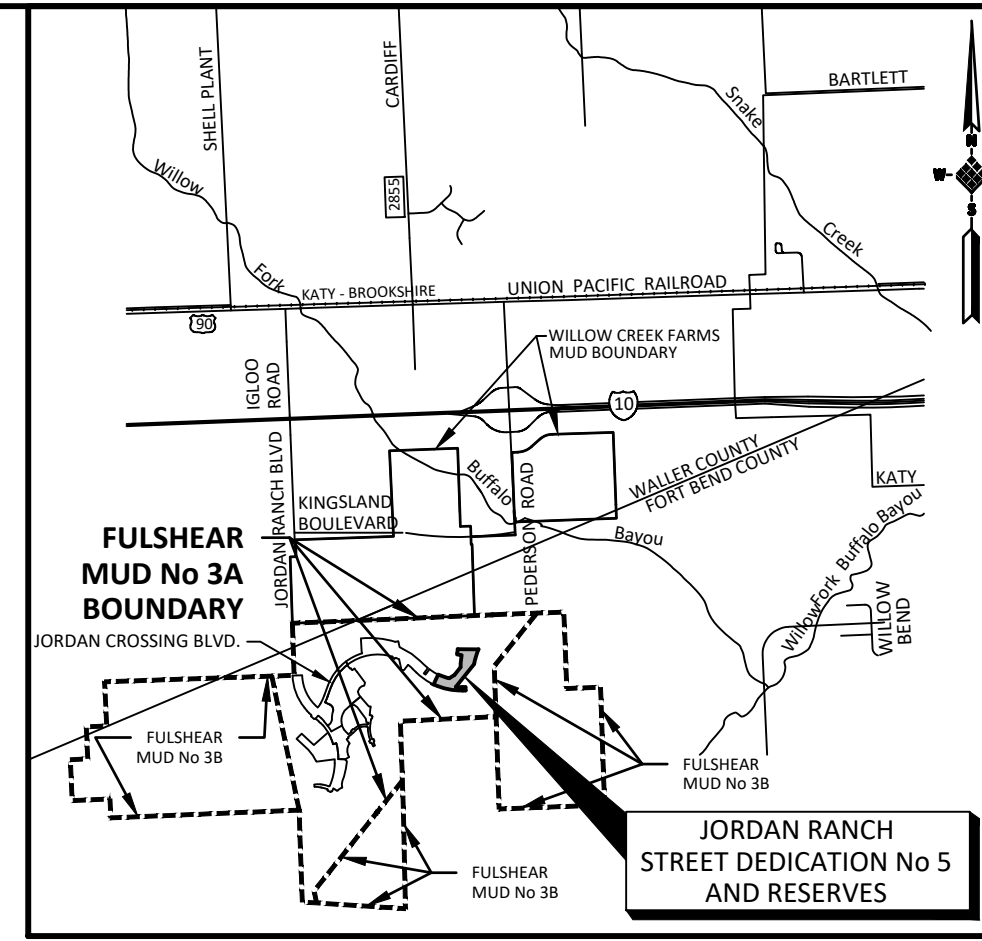
THENCE in an easterly direction, with said curve to the left, having a radius of 1750.00 feet, a central angle of 06° 33' 05", a chord bearing and distance of South 88° 34' 24" East - 199.99 feet, and an arc distance of 200.10 feet, to a 5/8-inch iron rod with cap stamped "IDS" set for the end of curve;

THENCE North 88° 09' 03" East - 85.03 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract;

THENCE South 01° 50' 57" East - 100.00 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the southeast corner the herein described tract;

THENCE South 88° 09' 03" West - 85.03 feet to a 5/8-inch iron rod with cap stamped "IDS" set for an angle corner the herein described tract and the Point of Curvature to the right;

THENCE in a westerly direction, with said curve to the right, having a radius of 1850.00 feet, a central angle of 21° 45' 40", a chord bearing and distance of North 80° 58' 07" West - 698.42 feet, and an arc distance of 702.63 feet, to the POINT OF BEGINNING of the herein described tract and containing 13.552 acres of land.



FORT BEND COUNTY KEY MAP NO 482M VICINITY MAP SCALE 1" = 5,000'

I, J. Stacy Slawinski, Fort Bend County Engineer, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Fort Bend County Commissioners' Court. However, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or on any other area or subdivision within the watershed.

J. Satcy Slawinski, PE Fort Bend County Engineer

APPROVED by the Commissioners' Court of Fort Bend County, Texas, this ____ day of _____, 2019.

Vincent M. Morales, Jr. Precinct 1, County Commissioner

W.A. "Andy" Meyers Precinct 3, County Commissioner

KP George County Judge

Grady Prestage Precinct 2, County Commissioner

Ken R. DeMerchant Precinct 4, County Commissioner

I, Laura Richard, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for recordation in my office on _____, 2019, at _____ o'clock _____ M. Filed in plat number(s) _____ of the plat records of Fort Bend County, Texas.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

Laura Richard, County Clerk Fort Bend County, Texas

By: Deputy

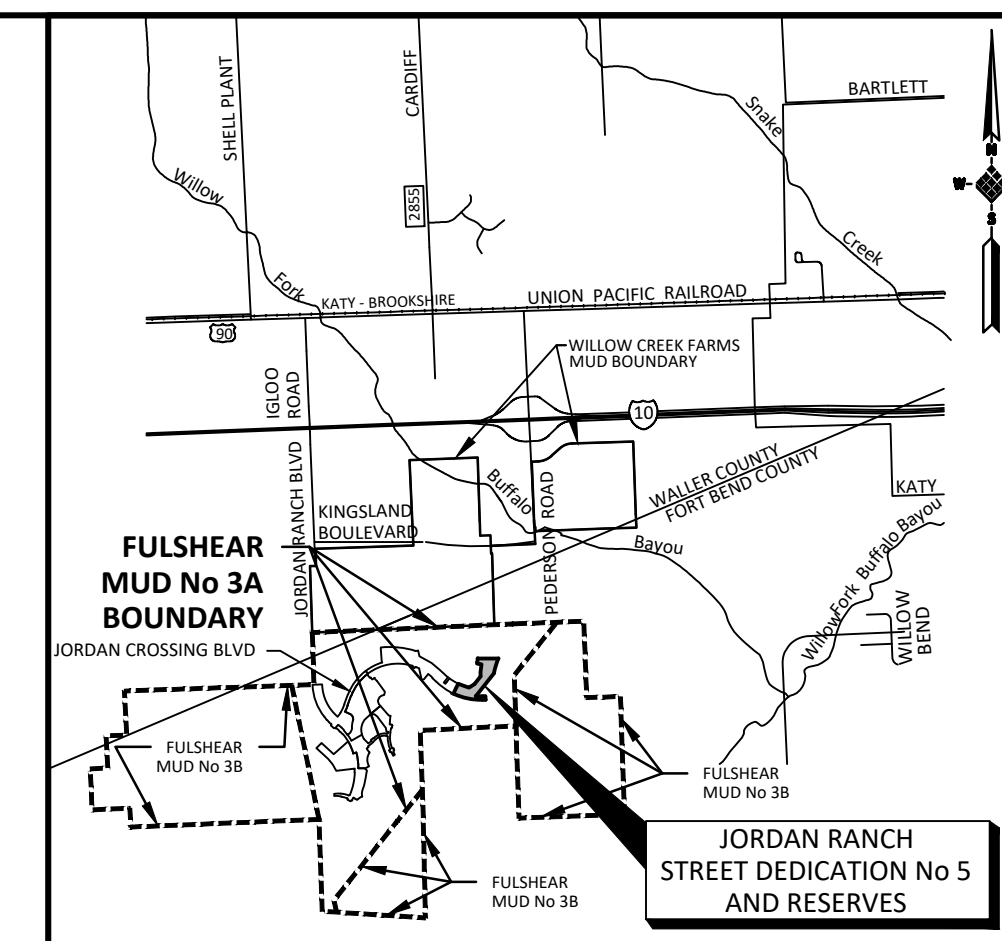
JORDAN RANCH STREET DEDICATION NO 5 AND RESERVES

A SUBDIVISION OF 13.522 ACRES LOCATED IN H & TCRR CO SURVEY, SECTION 105, A-261 FORT BEND COUNTY, TEXAS 0 LOTS 1 BLOCK 1 RESERVE

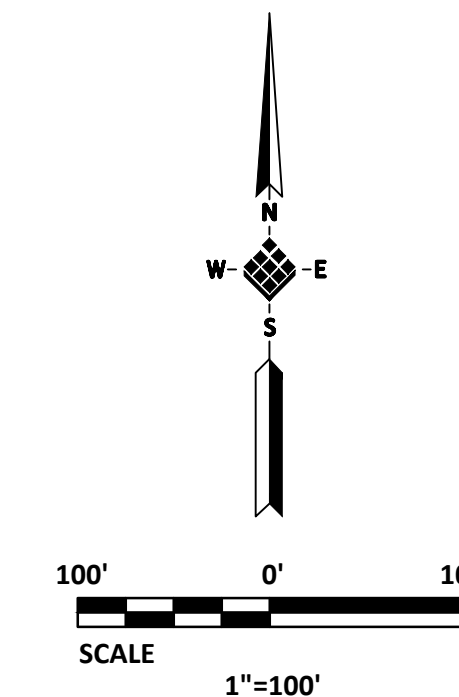
OWNER: FORT BEND JORDAN RANCH LP

ENGINEER: IDS Engineering Group

13430 NW Freeway Suite 700 Houston, Tx 77040 713.462.3178 TBE F-002726 TPRS 10110700



FORT BEND COUNTY KEY MAP No 482M
VICINITY MAP
SCALE 1" = 5,000'



CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	74°01'06"	220.00'	284.21'	165.84'	N53°16'32"E	264.85'
C2	11°22'45"	2,100.00'	417.06'	209.22'	S16°20'15"W	416.38'
C3	6°33'05"	1,750.00'	200.10'	100.16'	S88°34'24"E	199.99'
C4	21°45'40"	1,850.00'	702.63'	355.60'	N80°58'07"W	698.42'
C5	21°45'40"	1,800.00'	683.64'	345.99'	N80°58'07"W	679.54'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°09'03"W	85.03'

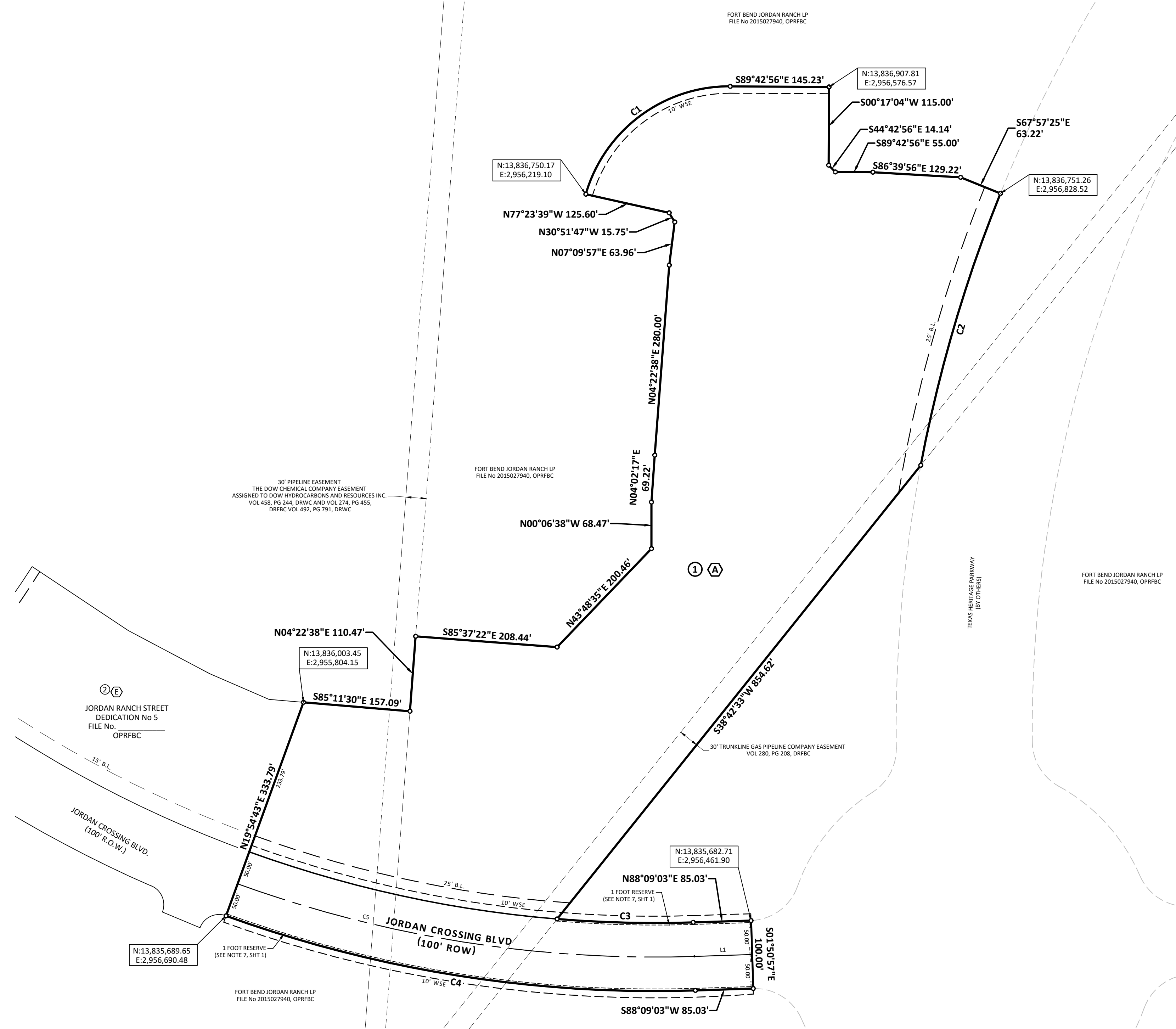
RESERVE TABLE				
RESERVE NAME	RESTRICTION	SQ. FT.	ACRES	
A	DETENTION/DRAINAGE/LANDSCAPE/OPEN SPACE/UTILITIES	513,458	11.787	

JORDAN RANCH STREET DEDICATION NO 5 AND RESERVES

A SUBDIVISION OF
13.552 ACRES
LOCATED IN
H & TCRR CO SURVEY, SECTION 105, A-261
FORT BEND COUNTY, TEXAS
0 LOTS 1 BLOCK 1 RESERVE

OWNER: FORT BEND JORDAN RANCH LP
a Texas limited partnership
5005 RIVERWAY DRIVE, SUITE 500, HOUSTON, TEXAS 77056 (713) 960-9977

ENGINEER: **IDS Engineering Group**
13430 NW Freeway Suite 700 Houston, TX 77040 713.462.3178
TBP# F-002726 TBP#S 10310700



I:\Newfile\Projects\2141-007-10 - ST Ded 5 - P1.dwg [SHT 2] Plotted Oct 17, 2019 at 9:10am by Tahaan Usdi Saved by Tahaan

JORDAN RANCH STREET DEDICATION NO 5 AND RESERVES

November 4, 2019

Engineering Review

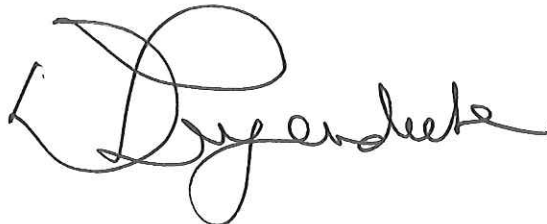
Final Plat – Jordan Ranch Street Dedication No. 5
Fort Bend County, Texas

For Information only:

1. This plat will create Right-of-Way for Jordan Crossing Boulevard with widths of 100-foot and one (1) adjoining Reserve in one (1) Block that cover a total of 13.522 acres.
2. This tract is located in the E.T.J. of the City of Fulshear and in Fort Bend County. As such, approval will be needed from the following:
 - A) City of Fulshear
 - B) Fort Bend County
 - C) Fort Bend County Drainage District

Recommendations:

I recommend that this Final of Jordan Ranch Street Dedication No. 5 be approved as submitted.

A handwritten signature in black ink, appearing to read "Clay & Leyendecker". The signature is written in a cursive, flowing style with large loops and a long horizontal tail.

CITY OF FULSHEAR
Registration & Permit Department
Ph: (281) 346- 1796 fax: (281) 346-2556
30603 FM 1093 P.O. Box 279 Fulshear, TX 77441

PLATTING AND SUBDIVISION REVIEW

Plan or Plat: Jordan Ranch Street Dedication No. 5 Final Plat

City Engineer Review

Reviewed
 See Attached Letter

BY: DAVID LEYENDECKER DATE: 11/4/2019

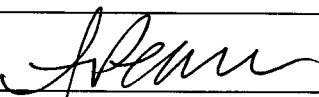
Director of Development Services

Processed
 Returned for additional data

BY: Zach Goodlander DATE: 10/21/2019

Planning Commission Review

Approved
 Returned for additional data

BY:  DATE: 8 NOV 2019

City Council Review

Approved
 Returned for additional data

BY: _____ DATE: _____

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: IX.E.

**DATE
SUBMITTED:** 11/11/2019

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONSENT AND APPROVAL OF EXTENSION FOR TAMARRON SECTION 12 FINAL PLAT

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The Tamarron Section 12 Final Plat was approved by City Council in December 2018. The approval of the plat was granted for one year, and having not been acted upon since is about to expire.

The City Engineer has recommended the approval be extended for one year only and that if the plat expires again the applicant must resubmit.

RECOMMENDATION

Staff recommends City Council approve the plat extension for Tamarron Section 12 Final Plat for one year.

ATTACHMENTS:

Description	Upload Date	Type
Tamarron Section 12 Plat Extension Supportin Documents	11/12/2019	Backup Material
Tamarron Plat Ext. - Signature Sheet	11/14/2019	Backup Material



1904 W Grand Parkway N, Suite 100, Katy, Texas 77449
t 713.953.5200 f 713.953.5026 LJA.com TBPE F-1386

October 16, 2019

Mr. Zach Goodlander
Director of Planning & Development
City of Fulshear
30603 FM 1093
Fulshear, Texas 77441

Re: Tamarron Section 12 – Final Plat
LJA Job No. 1931-6012C (6.01)

Dear Mr. Goodlander:

On behalf of D.R. Horton-Texas, Ltd., a Texas limited partnership, we LJA Engineering, Inc. respectfully request a twelve (12) month extension of approval for the above referenced final plat. This plat received final plat approval from the Fulshear P&Z Commission on December 12, 2018 and the Fulshear City Council on December 18, 2018 and is due to expire on December 18, 2019.

The purpose of this extension is to allow additional time for the market of the adjoining future single-family sections to rebound and thus proceed with development.

We understand that no other extensions will be allowed.

We greatly appreciate your consideration of this request.

Please let me know if you have any questions or require additional information.

Thank you,

A handwritten signature in green ink, appearing to read 'G. Freeman', with a long horizontal flourish extending to the right.

Geoff Freeman
Platting Manager

GF/bt

STATE OF TEXAS
COUNTY OF FORT BEND

WE, D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH CHRIS LINDHORST, PRESIDENT, BEING AN OFFICER OF D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, OWNERS OF THE 23.134 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF TAMARRON SECTION 12, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS, IF APPLICABLE), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS, THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, OWNERS DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE ORIGINALLY INTENDED FOR THE CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT IS HEREBY RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND TWENTY (20) FEET WIDE ON EACH SIDE OF THE CENTER LINE OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, AND DRAINAGE DITCHES LOCATED IN SAID SUBDIVISION, AS EASEMENTS FOR DRAINAGE PURPOSES. FORT BEND COUNTY OR ANY OTHER GOVERNMENTAL AGENCY SHALL HAVE THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSES OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS SUBDIVISION AND ADJACENT DRAINAGE EASEMENT, DITCH, GULLY, CREEK OR NATURAL DRAINAGE WAY SHALL HEREBY BE RESTRICTED TO KEEP SUCH DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS, EXCESSIVE VEGETATION AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, OWNERS DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION OF TAMARRON SECTION 12 WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACREAGE.

FURTHER, OWNERS DO HEREBY ACKNOWLEDGE THE RECEIPT OF THE "ORDERS FOR REGULATION OF OUTDOOR LIGHTING IN THE UNINCORPORATED AREAS OF FORT BEND COUNTY, TEXAS", AND DO HEREBY COVENANT AND AGREE AND SHALL COMPLY WITH THIS ORDER AS ADOPTED BY FORT BEND COUNTY COMMISSIONERS' COURT ON MARCH 23, 2004, AND ANY SUBSEQUENT AMENDMENTS.

IN TESTIMONY WHEREOF, D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY CHRIS LINDHORST, ITS PRESIDENT, THEREUNTO AUTHORIZED.

THIS _____ DAY OF _____, 2019.

D.R. HORTON-TEXAS, LTD.
A TEXAS LIMITED PARTNERSHIP

BY: _____
CHRIS LINDHORST, PRESIDENT

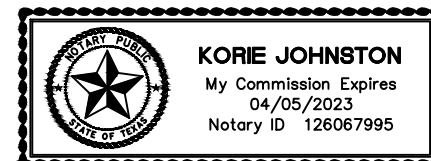
STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHRIS LINDHORST, PRESIDENT OF D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED

GIVEN UNDER MY HAND AND SEAL OF OFFICE.

THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

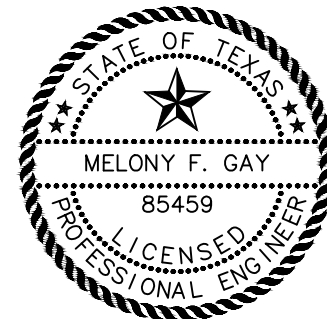


I, GARY D. NUTTER, A REGISTERED PROFESSIONAL LAND SURVEYOR, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVE AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET WITH PLASTIC CAP MARKED "LJA SURVEY" UNLESS OTHERWISE NOTED. (SEE NOTE 20)

GARY D. NUTTER, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5659

I, MELONY F. GAY, A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS PLAT MEETS ALL REQUIREMENTS OF FORT BEND COUNTY TO THE BEST OF MY KNOWLEDGE.

MELONY F. GAY, P.E.
LICENSED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 85459



THIS PLAT OF TAMARRON SECTION 12 IS APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF FULSHEAR, TEXAS

THIS _____ DAY OF _____, 2019.

AMY PEARCE, CHAIR

AUSTIN WEANT, VICE-CHAIR

THIS PLAT OF TAMARRON SECTION 12 WAS APPROVED ON _____ BY THE CITY FULSHEAR CITY COUNCIL AND SIGNED ON THIS _____ DAY OF _____, 2019, PROVIDED, HOWEVER, THIS APPROVAL SHALL BE INVALID AND NULL AND VOID UNLESS THE PLAT IS FILED WITH THE COUNTY CLERK OF FORT BEND COUNTY, TEXAS WITHIN SIX (6) MONTHS HEREAFTER.

AARON GROFF, MAYOR

KIMBERLY KOPECKY, CITY SECRETARY

DESCRIPTION OF
23.134 ACRES
TAMARRON SECTION 12

BEING 23.134 ACRES (1,007,707 SQUARE FEET) OF LAND LOCATED IN THE J. D. VERMILLION SURVEY, ABSTRACT 339, FORT BEND COUNTY, TEXAS, MORE PARTICULARLY BEING A PORTION OF THAT CERTAIN CALLED 688.0183 ACRE TRACT (DESCRIBED AS TRACT 1) CONVEYED TO D.R. HORTON - TEXAS, LTD BY AN INSTRUMENT OF RECORD UNDER FILE NUMBER 201300056 IN THE OFFICIAL PUBLIC RECORDS OF SAID FORT BEND COUNTY, TEXAS (F.B.C.O.P.R.), SAID 23.134 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), SOUTH CENTRAL ZONE);

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP "LJA ENG" MARKING THE SOUTHERLY END OF A RADIAL CUT BACK CORNER AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF TAMARRON PARKWAY (100 FEET RIGHT-OF-WAY) AND THE WEST RIGHT-OF-WAY LINE OF COLES CANYON (80 FEET WIDE) AS SHOWN ON TAMARRON PARKWAY PHASE 3 STREET DEDICATION, A SUBDIVISION OF RECORD UNDER PLAT NUMBER 20170116, OF THE PLAT RECORDS OF SAID FORT BEND COUNTY (F.B.C.P.R.);

- THENCE, SOUTH 86° 16' 34" WEST, 384.15 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 01° 55' 13" WEST, 790.39 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 86° 16' 34" WEST, 335.75 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 01° 55' 13" WEST, 479.76 FEET TO A POINT FOR CORNER;
- THENCE, NORTH 88° 04' 47" EAST, 181.00 FEET TO A POINT FOR CORNER;
- THENCE, SOUTH 01° 55' 13" EAST, 10.00 FEET TO A POINT FOR CORNER;

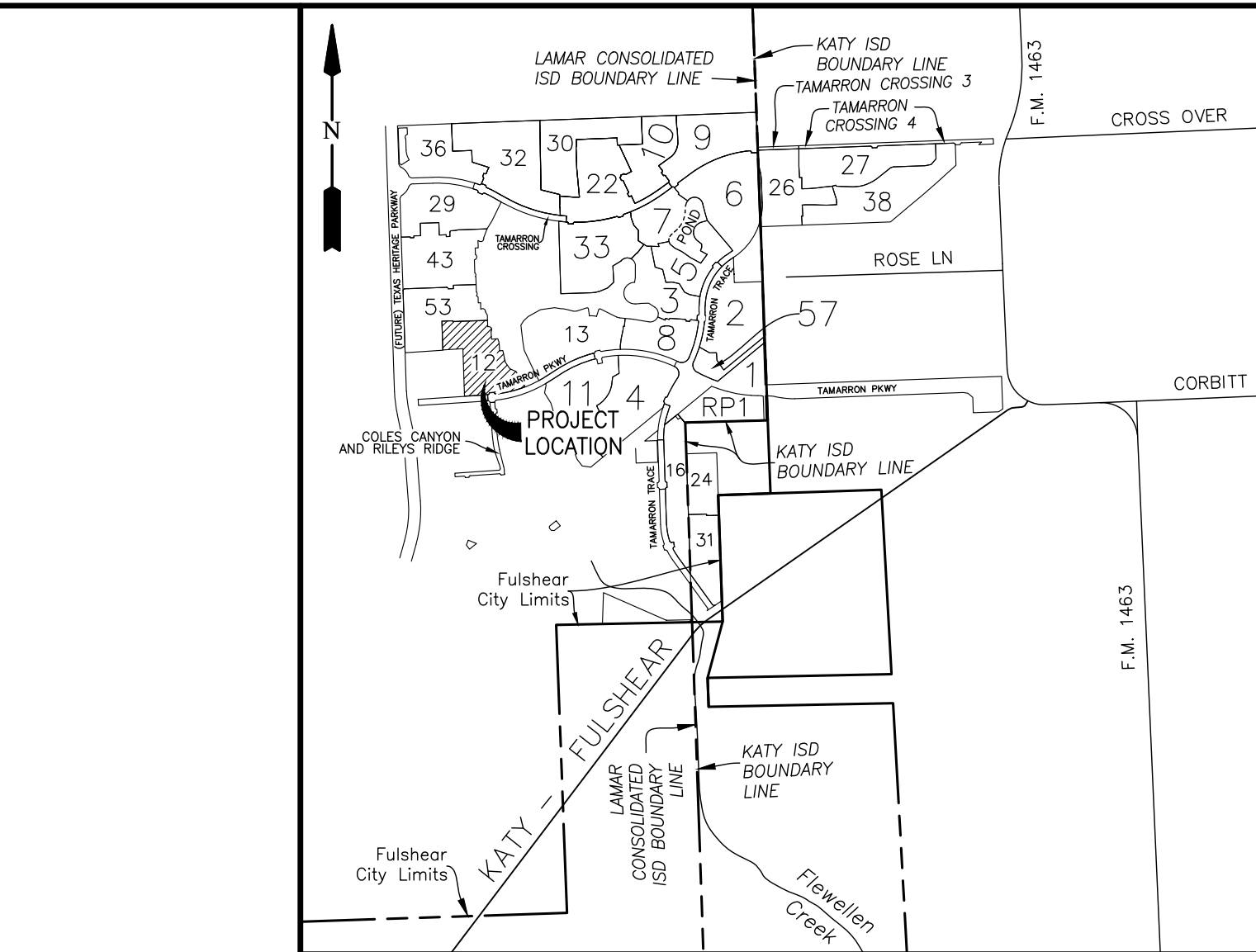
THENCE, NORTH 88° 04' 47" EAST, 579.00 FEET TO A POINT FOR CORNER, SAME BEING ON THE WESTERLY LINE OF THAT CERTAIN CALLED 49.033 ACRE TRACT CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 182 BY AN INSTRUMENT OF RECORD UNDER FILE NUMBER 2017129621, F.B.C.O.P.R., AND CORRECTED IN FILE NUMBER 2019016116, F.B.C.O.P.R.;

THENCE, ALONG THE WESTERLY LINE OF SAID FEET TO A POINT FOR CORNER, SAME BEING ON THE WESTERLY LINE OF SAID 49.033 ACRE TRACT, THE FOLLOWING FIFTEEN (15) COURSES;

- SOUTH 01° 55' 13" EAST, 108.88 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;
- 121.28 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 138° 58' 46", AND A CHORD WHICH BEARS SOUTH 38° 52' 23" EAST, 93.66 FEET TO A POINT FOR CORNER, THE BEGINNING OF A REVERSE CURVE;
- 15.04 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 34° 28' 15", AND A CHORD WHICH BEARS SOUTH 13° 22' 52" WEST, 14.81 FEET TO A POINT FOR CORNER; TANGENT
- SOUTH 03° 51' 15" EAST, 118.97 FEET TO A POINT FOR CORNER;
- NORTH 86° 08' 45" EAST, 103.93 FEET TO A POINT FOR CORNER;
- SOUTH 20° 08' 15" EAST, 52.09 FEET TO A POINT FOR CORNER;
- SOUTH 06° 40' 51" EAST, 50.06 FEET TO A POINT FOR CORNER;
- SOUTH 03° 51' 15" EAST, 104.07 FEET TO A POINT FOR CORNER;
- NORTH 82° 44' 56" EAST, 54.24 FEET TO A POINT FOR CORNER;
- SOUTH 11° 59' 00" EAST, 134.50 FEET TO A POINT FOR CORNER;
- SOUTH 41° 32' 47" WEST, 10.14 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;
- 56.28 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 64° 29' 26", AND A CHORD WHICH BEARS SOUTH 16° 12' 30" EAST, 53.35 FEET TO A POINT FOR CORNER;
- SOUTH 35° 20' 34" EAST, 142.60 FEET TO A POINT FOR CORNER;
- SOUTH 67° 48' 52" EAST, 107.26 FEET TO A POINT FOR CORNER;
- SOUTH 30° 56' 58" EAST, 298.92 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 49.033 ACRE TRACT, SAID POINT BEING ON THE ARC OF A CURVE ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FOREMENTIONED TAMARRON PARKWAY;

THENCE, ALONG THE NORTHWESTERLY RIGHT-OF WAY LINE OF SAID TAMARRON PARKWAY, THE FOLLOWING FIVE (5) COURSES;

- 500.77 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1,950.00 FEET, A CENTRAL ANGLE OF 14° 42' 50", AND A CHORD WHICH BEARS SOUTH 76° 08' 28" WEST, 499.40 FEET TO A POINT FOR THE SOUTHERLY END OF A RADIAL CUT-BACK CORNER AT THE INTERSECTION OF SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF TAMARRON PARKWAY AND THE EAST RIGHT-OF-WAY LINE OF THE FOREMENTIONED COLES CANYON, THE BEGINNING OF A COMPOUND CURVE;
- 48.38 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 92° 23' 29", AND A CHORD WHICH BEARS NORTH 50° 18' 22" WEST, 43.30 FEET TO A POINT FOR THE NORTHERLY END OF SAID CUT-BACK CORNER;
- SOUTH 85° 53' 22" WEST, 80.00 FEET TO A POINT FOR CORNER;
- SOUTH 04° 06' 38" EAST, 1.31 FEET TO A POINT FOR THE NORTHERLY END OF THE RADIAL CUT-BACK CORNER AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TAMARRON PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF SAID COLES CANYON, THE BEGINNING OF A CURVE;
- 47.33 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90° 23' 11", AND A CHORD WHICH BEARS SOUTH 41° 04' 58" WEST, 42.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 23.134 ACRE (1,007,707 SQUARE FEET) OF LAND.



VICINITY MAP
SCALE: 1" = 1/2 MILE
KEY MAP NO. 483P

I, RICHARD W. STOLLEIS, FORT BEND COUNTY ENGINEER, DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE FORT BEND COUNTY COMMISSIONERS' COURT. HOWEVER, NO CERTIFICATION IS HEREBY GIVEN AS TO THE EFFECT OF DRAINAGE FROM THIS SUBDIVISION ON THE INTERCEPTING DRAINAGE ARTERY OR PARENT STREAM OR ON ANY OTHER AREA OR SUBDIVISION WITHIN THE WATERSHED.

RICHARD W. STOLLEIS, P.E.
FORT BEND COUNTY ENGINEER

APPROVED BY THE COMMISSIONERS' COURT OF FORT BEND COUNTY, TEXAS,
THIS _____ DAY OF _____, 2019.

VINCENT M. MORALES, JR.,
PRECINCT 1, COUNTY COMMISSIONER

GRADY PRESTAGE
PRECINCT 2, COUNTY COMMISSIONER

K.P. GEORGE
COUNTY JUDGE

W. A. (ANDY) MEYERS
PRECINCT 3, COUNTY COMMISSIONER

KEN R. DEMERCHANT
PRECINCT 4, COUNTY COMMISSIONER

I, LAURA RICHARD, COUNTY CLERK IN AND FOR FORT BEND COUNTY, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON _____, 2019 AT _____ O'CLOCK _____M. IN PLAT NUMBER _____ OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT RICHMOND, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

LAURA RICHARD, COUNTY CLERK
FORT BEND COUNTY, TEXAS

BY: _____
DEPUTY

FINAL PLAT OF TAMARRON SECTION 12

A SUBDIVISION OF 23.134 ACRES OF LAND SITUATED IN THE
J.D. VERMILLION SURVEY, ABSTRACT 339,
FORT BEND COUNTY, TEXAS.

85 LOTS 5 RESERVES (3.898 ACRES) 3 BLOCKS
FEBRUARY 27, 2019 JOB NO. 1931-6012

OWNERS:
D.R. HORTON - TEXAS, LTD.
A TEXAS LIMITED PARTNERSHIP
CHRIS LINDHORST, PRESIDENT
14100 SOUTHWEST FREEWAY, SUITE 500, SUGAR LAND, TEXAS 77478
PH. (281) 566-2100

SURVEYOR:
LJA Surveying, Inc.
2929 Briarpark Drive
Suite 175
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
T.B.P.L.S. Firm No. 10194382

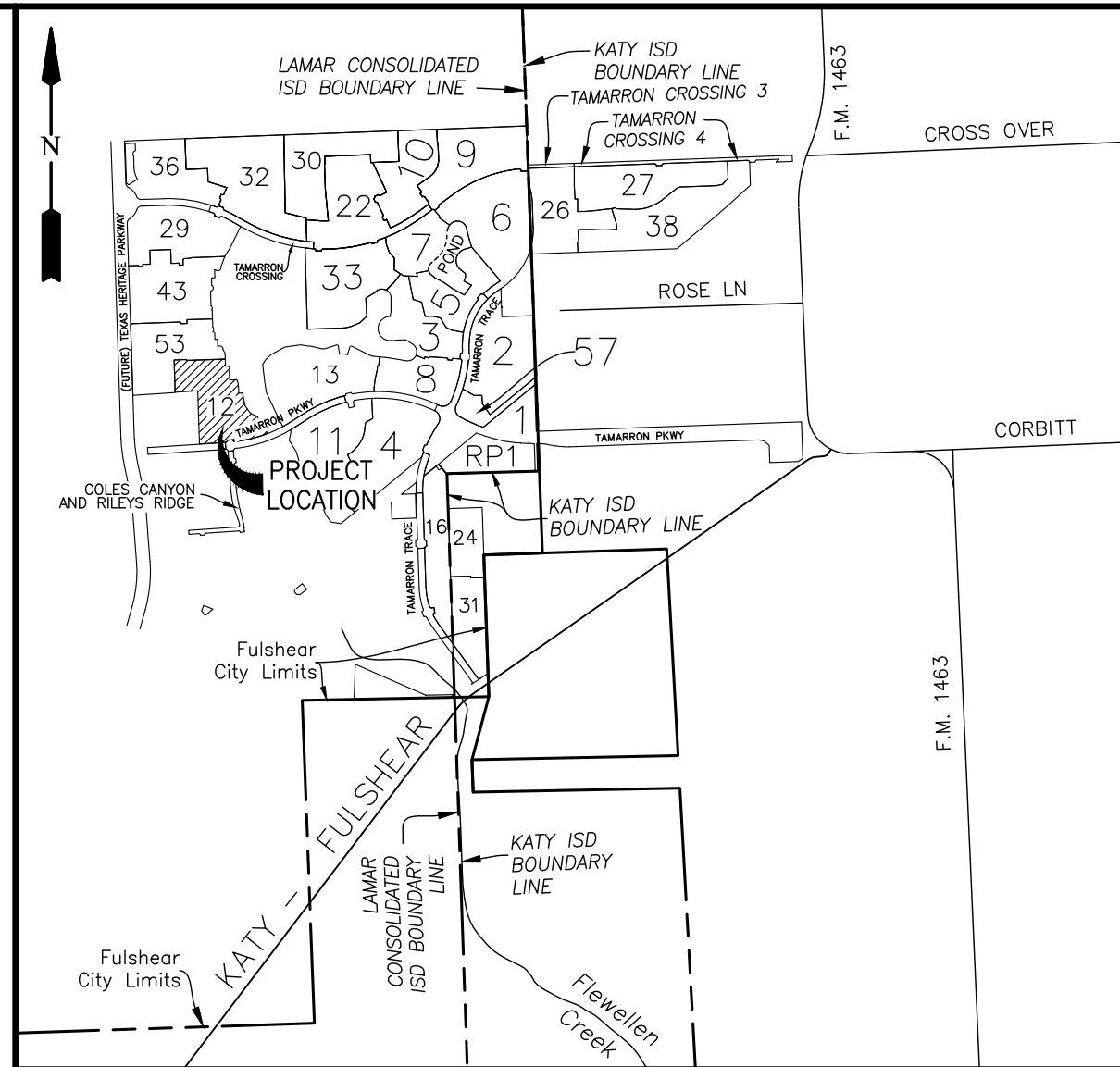


ENGINEER:
LJA Engineering, Inc.
1904 W. Grand Parkway North
Suite 100
Katy, Texas 77449
Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386



LINE	BEARING	DISTANCE
L1	S 01°55'13" E	10.00'
L2	S 01°55'13" E	108.88'
L3	S 03°51'15" E	118.97'
L4	N 86°08'45" E	103.93'
L5	S 20°08'15" E	52.09'
L6	S 08°40'51" E	50.06'
L7	S 03°51'15" E	104.07'
L8	N 82°44'56" E	54.24'
L9	S 11°59'00" E	134.50'
L10	S 41°32'47" W	10.14'
L11	S 35°20'34" E	142.60'
L12	S 67°48'52" E	107.26'
L13	S 85°53'22" W	80.00'
L14	S 04°06'38" E	1.31'
L15	S 04°06'38" E	32.70'
L16	N 42°06'46" E	12.00'
L17	S 61°14'58" W	78.04'
L18	S 41°16'34" W	20.00'
L19	S 01°55'13" E	105.00'
L20	N 61°14'58" E	27.05'
L21	S 61°14'58" W	27.05'
L22	S 03°51'15" E	56.68'
L23	S 04°06'38" E	32.70'
L24	N 04°06'38" W	32.70'
L25	N 03°51'15" W	47.48'
L26	S 01°55'13" E	40.03'
L27	S 04°06'38" E	103.19'
L28	S 41°04'58" W	23.04'
L29	N 02°22'04" E	119.65'
L30	S 02°35'59" E	115.06'
L31	N 01°55'13" W	115.00'
L32	S 01°55'13" E	120.00'

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	50.00'	138°58'46"	121.28'	93.66'	S 38°52'23" E
C2	25.00'	34°28'15"	15.04'	14.81'	S 13°22'52" W
C3	50.00'	64°29'26"	56.28'	53.35'	S 16°12'30" E
C4	1950.00'	14°42'50"	500.77'	499.40'	S 76°08'28" W
C5	30.00'	92°23'29"	48.38'	43.30'	N 50°18'22" W
C6	30.00'	90°23'11"	47.33'	42.57'	S 41°04'58" W
C7	55.00'	88°03'58"	84.54'	76.46'	S 47°53'14" E
C8	500.00'	6°13'23"	54.31'	54.28'	S 00°44'34" E
C9	500.00'	6°28'45"	56.54'	56.51'	S 00°52'15" E
C10	300.00'	25°01'35"	131.04'	130.00'	S 73°45'46" W
C11	55.00'	90°00'00"	86.39'	77.78'	N 48°43'26" W
C12	25.00'	90°00'00"	39.27'	35.36'	S 46°55'13" E
C13	25.00'	34°28'15"	15.04'	14.81'	N 70°50'39" E
C14	50.00'	15°70'28"	137.02'	97.99'	S 47°53'14" E
C15	25.00'	106°46'58"	46.59'	40.14'	S 57°14'44" E
C16	270.00'	8°06'48"	38.23'	38.20'	N 65°18'23" E
C17	25.00'	42°50'00"	18.69'	18.26'	N 39°49'58" E
C18	50.00'	265°40'01"	231.84'	73.33'	S 28°45'02" E
C19	25.00'	42°50'00"	18.69'	18.26'	S 82°39'59" W
C20	330.00'	11°44'59"	67.67'	67.55'	S 67°07'28" W
C21	25.00'	76°51'12"	33.53'	31.08'	S 34°34'21" W
C22	540.00'	6°13'23"	58.65'	58.62'	S 00°44'34" E
C23	460.00'	6°28'45"	52.02'	51.99'	S 00°52'15" E
C24	540.00'	5°56'10"	55.95'	55.92'	N 01°08'33" W
C25	25.00'	95°32'58"	41.69'	37.03'	N 45°56'57" W
C26	25.00'	42°50'00"	18.69'	18.26'	S 64°51'34" W
C27	50.00'	265°40'01"	231.84'	73.33'	N 03°43'26" E
C28	25.00'	42°50'00"	18.69'	18.26'	S 72°18'26" E
C29	25.00'	83°54'26"	36.61'	33.43'	N 44°19'21" E
C30	460.00'	6°13'23"	49.96'	49.94'	N 00°44'34" W
C31	25.00'	89°52'11"	39.21'	35.32'	N 48°47'21" W
C32	25.00'	40°34'29"	17.70'	17.34'	S 65°59'19" W
C33	50.00'	171°08'57"	149.36'	99.70'	N 48°43'26" W
C34	25.00'	40°34'29"	17.70'	17.34'	N 16°33'48" E
C35	25.00'	42°50'00"	18.69'	18.26'	N 25°08'26" W
C36	50.00'	265°40'01"	231.84'	73.33'	N 86°16'34" E
C37	25.00'	42°50'00"	18.69'	18.26'	S 17°41'34" W
C38	25.00'	90°00'00"	39.27'	35.36'	S 48°43'26" E
C39	25.00'	90°07'49"	39.33'	35.40'	N 41°12'39" E
C40	25.00'	88°03'58"	38.43'	34.75'	N 47°53'14" W
C41	25.00'	90°00'00"	39.27'	35.36'	S 43°04'47" W
C42	25.00'	42°50'00"	18.69'	18.26'	S 23°20'15" E
C43	50.00'	265°40'01"	231.84'	73.33'	S 88°04'47" W
C44	25.00'	42°50'00"	18.69'	18.26'	N 19°29'47" E



LEGEND

B.L.	INDICATES BUILDING LINE
U.E.	INDICATES UTILITY EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
W.L.E.	INDICATES WATER LINE EASEMENT
S.S.E.	INDICATES SANITARY SEWER EASEMENT
STM.S.E.	INDICATES STORM SEWER EASEMENT
F.B.C.P.R.	INDICATES FORT BEND COUNTY PLAT RECORDS
F.B.C.O.R.	INDICATES FORT BEND COUNTY OFFICIAL RECORDS
F.B.C.O.P.R.	INDICATES FORT BEND COUNTY OFFICIAL PUBLIC RECORDS
F.B.C.D.R.	INDICATES FORT BEND COUNTY DEED RECORDS
—	INDICATES STREET NAME CHANGE
F.N.	INDICATES FILE NUMBER
S.N.	INDICATES SEE NOTE
EXIST.	INDICATES EXISTING
F.M.E.	INDICATES FORCE MAIN EASEMENT

RESERVE TABLE

RESERVE	ACREAGE	SQ.FT.	TYPE
A	0.025	1,090	RESTRICTED TO LANDSCAPE/OPEN SPACE
B	3.459	150,691	RESTRICTED TO LANDSCAPE/RECREATION CENTER
C	0.265	11,525	RESTRICTED TO LANDSCAPE/OPEN SPACE
D	0.054	2,338	RESTRICTED TO LANDSCAPE/OPEN SPACE
E	0.095	4,126	RESTRICTED TO LANDSCAPE/OPEN SPACE
TOTAL	3.898	169,770	

- NOTES:
- BENCHMARK: NGS MONUMENT HGCD 66: TOP OF A STAINLESS STEEL ROD THAT IS ENCASED IN A 5 INCH PVC PIPE WITH A LOGO CAP STAMPED HGCD 66 1986. THE POINT IS LOCATED +/- 72 FEET WEST OF THE CENTERLINE OF FM 1463 AND +/- 0.34 MILES NORTH OF THE INTERSECTION OF FM 1463 AND CHURCHILL FARMS BLVD. KATY, TX.
ELEV. = 136.21 FEET NAVD88
 - TBM INDICATES TEMPORARY BENCHMARK: TBM 13: A BRASS DISK ON A CONCRETE CURB INLET LOCATED ALONG THE EAST SIDE OF THE NORTH BOUND LANE OF TAMARRON TRACE. THE POINT IS LOCATED +/- 290 FEET SOUTH OF THE CENTERLINE OF THE INTERSECTION OF TAMARRON TRACE AND TAMARRON PARKWAY.
ELEV. = 142.09 FEET NAVD88
TO ADJUST TO FORT BEND CO. LIDAR DATUM ADD 0.39 FEET.
 - ELEVATIONS FOR DELINEATING CONTOUR LINES ARE BASED UPON NAVD-88.
 - THIS PLAT WAS PREPARED TO MEET THE CITY OF FULSHEAR AND FORT BEND COUNTY REQUIREMENTS.
 - THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY DHI TITLE OF CENTRAL TEXAS, EFFECTIVE NOVEMBER 7, 2018 AND ISSUED NOVEMBER 14, 2018. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
 - THIS PLAT LIES WHOLLY WITHIN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 182, FORT BEND SUBSIDENCE DISTRICT, FORT BEND COUNTY DRAINAGE DISTRICT, LAMAR CONSOLIDATED SCHOOL DISTRICT AND THE ETJ OF THE CITY OF FULSHEAR AND FORT BEND COUNTY.
 - THIS SUBDIVISION LIES WITHIN UNSHADED ZONE X AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 48157C 0085L, REVISED APRIL 2, 2014, DEFINED AS AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN; LJA DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAPS.
 - APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM PLANNING AND ZONING APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF FORT BEND.
 - THERE ARE NO PIPELINES AND/OR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION.
 - THE MINIMUM SLAB ELEVATION SHALL BE 148.50 FEET (NAVD 88); EIGHTEEN INCHES (18") ABOVE THE 100-YEAR FLOOD PLAIN ELEVATION AND MAXIMUM PONDING ELEVATION; EIGHTEEN INCHES (18") ABOVE NATURAL GROUND, OR TWELVE INCHES (12") ABOVE THE TOP OF CURB AT THE FRONT OF THE LOT, WHICHEVER IS HIGHER. THE TOP OF SLAB ELEVATION AT ANY POINT ON THE PERIMETER OF THE SLAB SHALL NOT BE LESS THAN EIGHTEEN INCHES (18") ABOVE NATURAL GROUND.
 - ALL LOT LINES SHALL HAVE A MINIMUM 5' SIDE YARD SETBACK LINE.
 - A MINIMUM DISTANCE OF 10' SHALL BE MAINTAINED BETWEEN RESIDENTIAL DWELLINGS.
 - THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE FORT BEND COUNTY DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
 - ALL DRAINAGE EASEMENTS TO BE KEPT CLEAR OF FENCES, BUILDINGS, VEGETATION AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY.
 - ALL PROPERTY TO DRAIN INTO THE DRAINAGE EASEMENT ONLY THROUGH AN APPROVED DRAINAGE STRUCTURE.
 - THIS PLAT LIES WITHIN FORT BEND COUNTY LIGHTING ORDINANCE ZONE NO. 3.
 - THE COORDINATES AND BEARINGS SHOWN HEREON ARE TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE 1.00011591065.
 - SIDEWALKS SHALL BE BUILT OR CAUSED TO BE BUILT NOT LESS THAN 5 FEET IN WIDTH ON BOTH SIDES OF ALL DEDICATED RIGHTS-OF-WAY WITHIN SAID PLAT AND ON THE CONTIGUOUS RIGHT-OF-WAY OF ALL PERIMETER ROADS SURROUNDING SAID PLAT, IN ACCORDANCE WITH ADA REQUIREMENTS.
 - OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF THE DETENTION FACILITY IS VESTED IN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 182.
 - FIVE EIGHTHS INCH (5/8") IRON RODS THREE FEET (3') IN LENGTH WITH A PLASTIC CAP MARKED "LJA SURVEY" WILL BE SET ON ALL PERIMETER BOUNDARY CORNERS. LOT, BLOCK, AND RESERVE CORNERS WILL BE SET UPON COMPLETION OF ROAD CONSTRUCTION AND PRIOR TO LOT CONSTRUCTION.
 - 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 ACREAGE TRACTS, 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 AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS OR SUCCESSORS.
 - SITE PLANS SHALL BE SUBMITTED TO FORT BEND COUNTY AND ANY OTHER APPLICABLE JURISDICTION FOR REVIEW AND APPROVAL. DEVELOPMENT PERMITS AND ALL OTHER APPLICABLE PERMITS SHALL BE OBTAINED FROM FORT BEND COUNTY PRIOR TO BEGINNING CONSTRUCTION.

**FINAL PLAT OF
TAMARRON SECTION 12**

A SUBDIVISION OF 23.134 ACRES OF LAND SITUATED IN THE
J.D. VERMILLION SURVEY, ABSTRACT 339,
FORT BEND COUNTY, TEXAS.

85 LOTS 5 RESERVES (3.898 ACRES) 3 BLOCKS

FEBRUARY 27, 2019 JOB NO. 1931-6012

OWNERS:
D.R. HORTON - TEXAS, LTD.
A TEXAS LIMITED PARTNERSHIP
CHRIS LINDHORST, PRESIDENT
14100 SOUTHWEST FREEWAY, SUITE 500, SUGAR LAND, TEXAS 77478
PH. (281) 566-2100

SURVEYOR: **LJA Surveying, Inc.**
2929 Briarpark Drive
Suite 175
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
T.B.P.L.S. Firm No. 10194382

ENGINEER: **LJA Engineering, Inc.**
1904 W. Grand Parkway North
Suite 100
Katy, Texas 77449
Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386

SHEET 2 OF 2

November 4, 2019

Engineering Review

Proposed Plat Extension
Tamarron Section 12
Fort Bend County, Texas

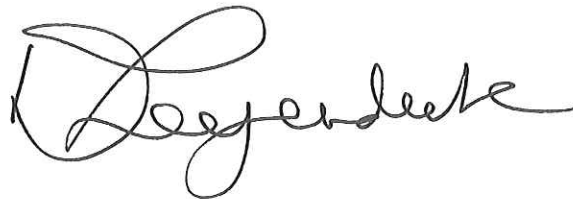
Plat Name: Final Plat – Tamarron Section 12

Original Planning
Commission Approval Date: December 12, 2018

Plat Expiration Date: December 12, 2019

Recommendations:

I recommend that the Approval of the Final Plat of Tamarron Section 12 be extended for an additional 12-months.

A handwritten signature in cursive script, appearing to read "Leyendecker", with a large, stylized initial "L" that loops back.

CITY OF FULSHEAR
Registration & Permit Department
Ph: (281) 346- 1796 fax: (281) 346-2556
30603 FM 1093 P.O. Box 279 Fulshear, TX 77441

PLATTING AND SUBDIVISION REVIEW

Plan or Plat: Tamarron Section 12 Final Plat - Extension

City Engineer Review

Reviewed
 See Attached Letter

BY: DAVID LEYENDECKER DATE: 11/4/2019

Director of Development Services

Processed
 Returned for additional data

BY: Zach Goodlander DATE: 10/21/2019

Planning Commission Review

Approved
 Returned for additional data

APPROVED 12-MONTH EXTENSION

BY: *APM* DATE: 8 NOV 2019

City Council Review

Approved
 Returned for additional data

BY: _____ DATE: _____

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: IX.F.

**DATE
SUBMITTED:** 10/31/2019

DEPARTMENT: Finance

PREPARED BY: Wes Vela

PRESENTER: Wes Vela

SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO ACCEPT QUARTERLY INVESTMENT REPORT

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

In accordance with the City of Fulshear's Investment Policy and the Texas Public Funds Investment Act the City's investments shall be reported on a quarterly basis. The attached report lists the investments located at the bank, local governmental investment pools and Municipal and State Bonds. The Weighted Average Maturity is calculated to be 19.94 days which is within the policy of 360 days.

RECOMMENDATION

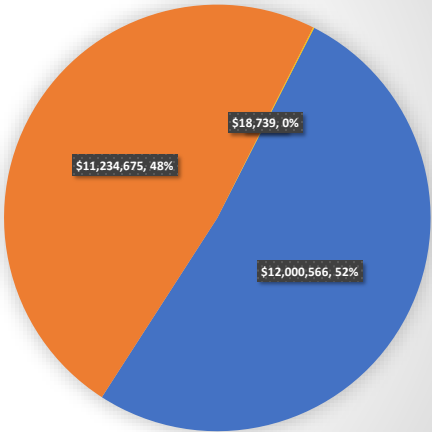
Staff recommends the City Council accept the Quarterly Investment Report as presented.

ATTACHMENTS:

Description	Upload Date	Type
Quarterly Investment Report-19-3	10/31/2019	Cover Memo

Distribution of Investment Funds By Type
19-3 Quarterly Report

- CASH
- Texas CLASS Investment Pool
- CD
- Muni & State Bonds



**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: IX.G.

**DATE
SUBMITTED:** 11/6/2019

DEPARTMENT: Public Works

PREPARED BY: Sharon Valiante, Public Works
Director

PRESENTER: Sharon Valiante, Public Works
Director

SUBJECT: CONSENT AND APPROVAL OF STREET DEDICATION, UTILITY CONVEYANCE AND SECURITY AGREEMENT FOR POLO RANCH SECTIONS 6

Expenditure Required: NA

Amount Budgeted: NA

Funding Account: NA

Additional Appropriation Required: NA

Funding Account: NA

EXECUTIVE SUMMARY

As each Phase of development are acquired and constructed, the MUD Districts prepare documents that are submitted to the City with a request for consideration for transfer of ownership, which is considered and approved by City Council. The Districts, in accordance with the Development Agreement and Utility Agreements in place, have complied with Section 2.10 – As construction of each Phase is completed, the City shall inspect and if the City finds that the Phase has been completed in accordance with the final plans and specifications approved by the City, or any modifications approved by the City, the City will accept the Phase for ownership, operation and maintenance. The District, MUD No. 174, is submitting for consideration Street Dedications and Utility Conveyance and Security Agreements for:

Polo Ranch Section 6:

1. Water System = \$ 82,364
2. Sanitary Sewer System = \$ 91,583
3. Drainage System = \$130,746 (no channels or offsite facilities)
4. Paving = \$284,205

The infrastructure has been constructed in accordance with the plans prepared by LJA. and are complete and in place. The City Engineer has approved the infrastructure for conveyance to the City

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-

RECOMMENDATION

Staff recommends City Council accept the infrastructure constructed and completed for the District and authorize the Mayor to execute the Utility Conveyance and Security Agreement, and the Street Dedication for Polo Ranch Section 6.

ATTACHMENTS:

Description	Upload Date	Type
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UTILITY CONVEYANCE AND SECURITY AGREEMENT

STATE OF TEXAS	§	
	§	KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF FORT BEND	§	

Fort Bend County Municipal Utility District No. 174 (the "District") has constructed certain improvements, structures, and facilities designed to provide water, wastewater, and/or drainage to serve areas within or near the District's boundaries and the boundaries of the City of Fulshear, Texas (the "City"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District does hereby convey, transfer, and deliver to the City, its successors and assigns, those certain facilities described as follows:

Those certain water, sanitary sewer, and storm sewer facilities, and all related appurtenances, to serve Polo Ranch, Section 6 (except any detention ponds, any drainage channels, and any non-potable water facilities) constructed to date on behalf of the District pursuant to the construction contract ("Construction Contract") between the District and Sendero Industries, LLC ("Contractor") dated July 15, 2019, which facilities are located within or near the boundaries of the District, and together with any improvements, structures, storm sewer mains, plants, service pumps, storage reservoirs, electrical equipment, plant equipment, distribution lines, collection lines, water mains, lift stations, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements, rights-of-way, licenses, operating rights and all other property therein whether real, personal or mixed, owned by the District in connection with the facilities being conveyed hereby (the "Facilities"). Some or all of the Facilities are located within or near the land shown on the plat for Polo Ranch, Section 6 that is recorded under Plat No. 20190244 in the Plat Records of Fort Bend County, Texas.

The District constructed the Facilities and is conveying the Facilities to the City pursuant to the Utility Agreement, as amended, by and between the City and the District (the "Utility Agreement"). Sections 2.09 and 2.10 of the Utility Agreement require that the System (as defined therein) be conveyed to the City for ownership, operation and maintenance, subject to a security interest retained by the District.

The District hereby reserves a security interest in the Facilities, more particularly described in Section 2.09 of the Utility Agreement, to secure the performance of the

City's obligations under the Utility Agreement. The District reserves said security interest under Texas law and the Utility Agreement.

The District hereby reserves the full capacity of the Facilities.

The District hereby assigns to the City all rights (including, without limitation, all rights under the Construction Contract, to the extent the Construction Contract allows assignment of such rights), maintenance bonds, warranties and manufacturer's warranties, if any, owned or acquired by the District for the Facilities. Notwithstanding any provision hereof, this Utility Conveyance and Security Agreement shall not be construed to limit or modify any indemnity obligations, or any other obligations, that Contractor, or its surety, may otherwise have to the District or to any other party under the Construction Contract.

The City hereby agrees by its acceptance of this conveyance to operate and maintain the Facilities in accordance with the terms of the Utility Agreement.

This Utility Conveyance and Security Agreement is effective as of the later of: (i) the date that the District executes this instrument; or (ii) the date that the City executes this instrument.

FORT BEND COUNTY MUNICIPAL UTILITY
DISTRICT NO. 174

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

Secretary, Board of Directors

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____, 2019,
by _____, as President, of the Board of Directors of Fort Bend County
Municipal Utility District No. 174, a political subdivision of the State of Texas, on behalf
of said political subdivision.

Notary Public, State of Texas

(NOTARY SEAL)

In accordance with the Utility Agreement, as defined above, the City hereby accepts this Utility Conveyance and Security Agreement. Such City acceptance is effective as of the later of: (i) the date that the District executes this instrument; or (ii) the date that the City executes this instrument.

CITY OF FULSHEAR, TEXAS

By: _____
Name: _____
Title: Mayor
Date: _____

ATTEST:

City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the _____ day of _____, 2019, by _____ as Mayor of the City of Fulshear, Texas, on behalf of said City.

Notary Public, State of Texas

(NOTARY SEAL)

AFTER RECORDING RETURN TO: Linda Sotirake, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, TX 77027.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: X.A.

**DATE
SUBMITTED:** 11/14/2019

DEPARTMENT: Public Works

PREPARED BY: Brant Gary - Assitant City Manager **PRESENTER:** Brant Gary - Assistant City Manager
SUBJECT: PRESENTATION REGARDING CAPITAL IMPROVEMENT PLAN - FY 2020 PROJECTS
UPDATE

Expenditure Required: NA

Amount Budgeted: NA

Funding Account: NA

Additional Appropriation Required: NA

Funding Account: NA

EXECUTIVE SUMMARY

The City of Fulshear Capital Improvement Program (CIP) is a multi-year plan for major capital expenditures. The projects presented here are included in the FY 2020 CIP and are part of the 5-year CIP presented to City Council in May 2019. The FY 2020 projects included in this update are funded by the adopted FY 2020 budget.

The focus of the presentation is for the FY 2020 CIP which includes:

Drainage - \$1,725,000 (\$415,000 from a GLO grant)

Streets and Traffic - \$2,615,000

Water - \$1,600,000

Wastewater - \$2,950,000

Facilities, Parks, Technology - \$1,785,000

in Summary:

General Government Projects = \$6,125,000 Utility Projects = \$4,550,000

RECOMMENDATION

Receive presentation for status update on CIP projects for FY 2020.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: X.B.

**DATE
SUBMITTED:**

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONSIDER AND TAKE ACTION UPON ORDINANCE 2019-1314 AMENDING SPECIAL USE PERMIT REGULATIONS AND PROCEDURES

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The primary purpose for the “Special Use Text Amendments” is to remove the special use permit processing for land uses that can be approved administratively. The City’s existing ordinance has a large number of special uses that are approved by City Council, after recommendation by the Planning & Zoning Commission without any specific standards set to each land use. This process has been found to be unduly cumbersome and subjective by the existing City Council, the development community, citizens, and City Staff. For this reason, the proposed amendments shift the majority of the land uses to a conditional use approval process. Conditional use approval creates a “checklist” of items (or “conditions”) that are necessary for the approval of each land use to occur administratively.

Other key changes reflected in the draft amendments include the following:

- Deletion of the existing land use table in Sec. 1-196. This needs to be deleted because the existing table conflicts significantly with the existing land uses shown in each specific zoning district.
- Deletion of all subsections referencing “Prohibited Uses.” Language has been added to Sec. 1-196 stating that if a land use is not specifically listed as permitted, conditional, or special then it is prohibited.
- Land uses that were very similar were combined so that it will be easier for City Staff to determine which land use a specific request falls under.
- The term “Place of Worship” has been changed to “Place of Assembly” to comply with federal law. The associated definition for the term has been changed as well.
- Some sections were reorganized to make the overall code easier for the user to read.

The Planning and Zoning Commission have unanimously approved the proposed ordinance with recommendations for minor edits which have been reflected in the ordinance.

RECOMMENDATION

Staff recommends that City Council approve the ordinance amending Special Use Permit regulations.

ATTACHMENTS:

Description	Upload Date	Type
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SUP Ordinance
SUP Ordinance - Redlined Version
P&Z Approval Page - with recommended edits

11/13/2019
11/13/2019
11/13/2019

Ordinance
Backup Material
Backup Material

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING VARIOUS LAND USE REGULATIONS SET FORTH IN APPENDIX A OF THE FULSHEAR CODE, GOVERNING ZONING, INCLUDING BUT NOT LIMITED TO CONDITIONAL USES, SPECIAL USES, AND PROHIBITED USES, BUT NOT INCLUDING ANY CHANGE IN ZONING CLASSIFICATION; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas (the "City"), is constantly reviewing the Code of Ordinances, City of Fulshear, Texas (the "Fulshear Code") to identify provisions which may be amended for clarity, efficiency, or other purposes to protect health, life, and property and to preserve the good government, order, and security of the City and its inhabitants; and

WHEREAS, the City recognizes that Appendix A of the Fulshear Code, governing zoning, requires substantial proceedings prior to certain land uses being approved within certain zoning districts; and

WHEREAS, the City desires to amend Appendix A of the Fulshear Code in order to expedite the approval process for one or more of such land uses, without changing zoning classification; and

WHEREAS, after giving due notice as required by Chapter 211 of the Texas Local Government Code, the Planning and Zoning Commission held a public hearing on its preliminary report on such amendment, and has submitted a final report to the City Council of the City of Fulshear; and

WHEREAS, the Planning and Zoning Commission has made a recommendation to the City Council regarding the amendment; and

WHEREAS, after receiving the final report of the Planning and Zoning Commission, and after giving due notice as required by Chapter 211 of the Texas Local Government Code, the City Council held a public hearing on the matter at which parties in interest and citizens had an opportunity to be heard; and

WHEREAS, the City Council desires to amend Appendix A of the Fulshear Code as provided herein, finds that such amendment is in accordance with the City's comprehensive plan, and finds that such amendment promotes the public health, safety, morals, or general welfare and protects and preserves places of civic or architectural importance and significance;

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

Section 1. Appendix A, Section 1-72, of the Fulshear Code is hereby amended to read as follows:

“Sec. 1-72. - Defined terms.

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

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

Agricultural Uses means land uses that include, but are not limited to farming; dairying; pasturage agriculture; horticulture; floriculture; viticulture; and animal and poultry husbandry. The term does not include uses that produce noxious odors, including the raising of hogs, pigs, or other livestock fed from garbage or offal; and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alternative financial service means a business which is used for check cashing, payday advances or loans, money transfers, motor vehicle title loans, or a credit access business. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop, convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.

Aluminum Composite Panel (ACP) means a smooth material comprised of composite metal for external cladding of buildings on vertical, sloped, or horizontal surfaces. ACPs may be applied over masonry, structural steel, stud backup, or within curtain wall designs. ACPs may be produced in numerous colors or in patterns that imitate other materials such as marble or wood.

Arcade means an arched or covered passageway attached to a building façade.

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

Articulation means an architectural design method in which particular elements and parts of a building such as building facades and rooflines are made more distinct through variation in flat surfaces and straight lines.

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

Automobile repair means the use of land or buildings for the repair of automobiles regardless of the age of the automobile being repaired.

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

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

Brick means kiln fired clay or shale brick manufactured to American Society for Testing and Materials ("ASTM") C216 or C652 Grade SW; may include concrete brick if the coloration is integral, shall not be painted, and is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay, sand, or shale.

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

Building integrated photovoltaics (BIPV) means the use of photovoltaic materials to replace conventional building materials in parts of a building envelope such as the façades, roof, or skylights. Photovoltaic materials generate electrical power by converting solar radiation into direct current electricity. A BIPV system serves the dual function of building skin and power generator and is often used to add architectural interest to a building.

Check cashing business means an establishment that provides on or more of the following: an amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction; or an agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee. *Cladding* means the application of one material over another to provide a skin or layer intended to control the infiltration of weather elements, or for aesthetic purposes.

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

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

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

Community home means a licensed community home as defined by Ch. 123 of the Texas Human Resources Code and must have not more than six (6) persons with disabilities as and two supervisors residing in the home at the same time. The limitation on the number persons with disabilities applies regardless of the legal relationship of those persons to one another. The home may not be established within one-half (½) mile of an existing community home. The term community home shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. To qualify as a community home, an entity must provide the following services to persons with disabilities who reside in the home:

- (1) Food and shelter;
- (2) Personal guidance;
- (3) Care;
- (4) Habitation services;
- (5) Supervision.

Concrete Masonry Unit (CMU) means a building unit or block larger in size than 12" x 4" x 4" made of cement and suitable aggregates. See also Decorative Concrete Block. *Cornice* means a horizontal molded projection that crowns or completes the top of a building or wall.

Credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code, as amended.

Crime Prevention Through Environmental Design (CPTED) involves a multi-disciplinary approach to deterring criminal behavior through purposeful design of development sites, buildings, parking areas, and public spaces to increase visibility and minimize potential hiding places.

Day care center means an establishment providing nonmedical care, protection and supervision for individuals on a regular basis, away from their primary residence for

less than twenty-four (24) hours per day. The term ["day care center"] includes nursery schools, preschools and day care centers for adults and children.

Decorative Concrete Block means concrete masonry unit (CMU) which has a highly textured finish, such as split faced, indented, hammered, fluted, ribbed, or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

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

Dormer means an extension built out from a sloping roof to accommodate a vertical window.

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

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

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

Eating and drinking place means an establishment where the principal business is the sale of food or beverages in a ready-to-consume state. Typical uses include restaurants and other similar uses.

Elevation means the perimeter surface of a building.

Exterior Insulation and Finish System (EIFS) means a method of building cladding that provides an insulating, protective, and decorative finish system for exterior walls that can be installed on any type of construction, and in a variety of shapes, colors, and textures to replicate other architectural styles or finish materials.

Family means any number of individuals, related by blood, marriage, or adoption, and domestic servants for such a family, or a group of not more than four (4) persons who are not so related, living together as a single nonprofit housekeeping unit doing their own cooking. In order to comply with federal and state law, community homes are included within the definition of family.

Gable means a triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof.

Gaming establishment means an establishment wherein one or more gaming machines, as defined as any machine when such machine or machines dispense or are used or are capable of being used to dispense a representation of value where such representation of value is redeemable for noncash merchandise prizes, toys or novelties that have a wholesale value from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or \$5.00, whichever is less, are operational.

Hardscape means the inanimate elements of a planned outdoor area or landscaping installation, especially involving stone, masonry, or woodwork.

Hemp and cannabinoid oil sales means any the location of sale of any product that is legally produced and/or cultivated in accordance with Texas Agriculture Code Chapter 121, State Hemp Production Plan, and Chapter 122, Cultivation of Hemp.

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

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

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

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

Industry, heavy, means an establishment engaged in the basic processing and manufacturing of products predominantly from extracted or raw materials; or the bulk storage and handling of such products and materials; or a use engaged in the storage of, or manufacturing processes involving, flammable or explosive materials; or storage or manufacturing processes that involve potentially hazardous materials or materials commonly recognized as offensive. Blacksmithing; Ceramic or pottery manufacture with dust, odor, and fume control; and Woodworking or planing mill with dust, odor, and fume control are examples of heavy industry.

Industry, light, means an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic Industrial processing. Blacksmithing; Ceramic or pottery manufacture with dust, odor, and fume control; and Woodworking or planing mill with dust, odor, and fume control are examples of heavy industry.

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

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

Logo building means a structure with a standardized design in terms of its colors, materials, exterior elevations, or the arrangement of such architectural elements, that is widely used and replicated to where it is readily recognized as representing a particular brand or franchise, especially by reflecting the color scheme or other aspects of a corporate logo.

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

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

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

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

Manufactured Home means a factory-built, single-family dwelling manufactured on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term ["manufactured home"] does not include a recreational vehicle as defined in this section. *State Law reference*— Definition of manufactured home and HUD-manufactured home, V.T.C.A., Occupations Code § 1201.003.

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

Manufactured Housing Subdivision means a parcel of land which has been platted and approved by the city and where lots are planned to be sold for the placement of

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

Masonry means and includes that form of construction defined below and composed of brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar. The following materials shall not qualify nor be defined as "masonry" in meeting the minimum requirements for exterior construction of buildings, unless specifically approved by variance:

Stucco, exterior plaster, adobe or mortar wash surface material;

Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;

Cementitious fiber board siding or fiber cement siding, (such as "Hardie Plank" or "Hardie Board");

Precast concrete panels; and

Plain concrete block or painted concrete block.

Master planned development means a development that is proposed by one property owner or one ownership group that owns at least 10 acres of contiguous property and that is proposed as a mixed-use development.

Mixed-Use development means a development where a combination of residential and nonresidential uses are part of the same development proposal.

Mobile home means a factory-built, single-family dwelling manufactured before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as defined in this section. *State Law reference*— Definition of mobile home, V.T.C.A., Occupations Code § 1201.003.

Motor title loan business means an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.

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

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

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

Nonresidential building means a building utilized for use other than residential dwellings and accessory structures related to nonresidential buildings.

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

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

Oriel window means a form of a bay window that projects from the main wall of a building, often from an upper floor.

Out-parcel means a relatively small tract of land along the edge of a larger property, also called a pad site, that is usually reserved for later sale to accommodate satellite uses such as the small retailers and chain restaurants that develop around a large shopping center.

Parapet means a low wall along the edge of a roof.

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

Pawn shop means the location at which or premises in which a pawnbroker regularly conducts business as defined by the State of Texas Finance Code.

Payday advance or loan business means an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and a fee or interest rate based on the size of the loan amount.

Place of assembly means a building in which people assemble for civic, educational, religious, or cultural purposes. This use includes auditoriums, event facilities, meeting halls, fraternal organizations, places of worship, and private clubs. This use does not include residential buildings.

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

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

Precast Concrete Panel means a product often associated with tilt up wall construction where concrete has been cast into a form which is later incorporated into a structure.

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

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

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

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

Retail Sales means an establishment engaged in the sale or rental of goods or merchandise. This definition does not include eating and drinking places, pawn shops, offices, alternative financial services, gaming establishments, hemp & cannabinoid sales, or tattoo parlors.

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

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

Score line means a notch or incision on a building façade, often in a different color or texture, to add variety and visual interest to exterior walls.

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

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

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

(1) *Adult Cabaret*. An establishment devoted to adult entertainment presenting materials distinguished or characterized by their emphasis on matters depicting, describing, or relating to sexual activities or anatomical genital areas or that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

(2) *Adult Motion Picture Theater*. An enclosed building or outdoor facility used for presenting motion pictures depicting, describing, or relating to sexual activities or anatomical genital areas.

(3) *Adult Store*. An establishment having as a substantial or significant portion of its stock in trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matters depicting, describing, or relating to sexual activities or anatomical genital areas, or instruments, devices, or paraphernalia which are designed for use in connection with sexual activities.

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

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

cigarette papers or cigars. For purposes of this definition, smoking paraphernalia establishments may also be referred to as head shops.

Soldier course means a series of bricks set on end such that their long, narrow face is oriented vertically on the wall, often standing out from the typical horizontal orientation of a brick wall.

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

Standing seam metal means a side-by-side formation of panels, typically made of steel, aluminum, copper, or other architectural metal, in which the panels are joined together at the sides and secured in place by concealed fasteners, with the overlapping panel lock forming a seam as a connecting point between the panels. This enables the connected panels to be used for building and roofing applications.

Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches ($2\frac{5}{8}$ ") when applied as a veneer.

String course means a decorative horizontal band on the exterior wall of a building, either plain or molded, and usually formed of brick or stone.

Stucco means traditional cementitious three-step hard coat stucco with a minimum thickness of seven eighths of an inch ($\frac{7}{8}$ "). It does not include Exterior Insulation Finishing Systems (EIFS) or synthetic stucco. See also Stucco, Integrally Colored.

Stucco, Integrally Colored means stucco which has color added to the cementitious stucco mixture prior to application to the wall surface and shall not be painted upon.

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

Tattoo parlor or *tattoo studio* means an establishment wherein permanent or semi-permanent markings, brands, body art, or tattoos are placed on the skin by a tattoo artist. The term ["tattoo parlor" or "tattoo studio"] does not mean an establishment which provides permanent cosmetic makeup application. Unless expressly stated otherwise herein, such words, terms and definitions shall have the meaning indicated in V.T.C.A., Health and Safety Code ch. 146, as amended and Title 25, Texas Administrative Code, Sec. 229.401—229.413, as amended. Owners and employees of such businesses shall comply with all of said provisions thereof, as amended.

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

Residential building means a building utilized for single-family detached, single-family attached, duplex or multifamily dwellings and accessory structures related to residential building.

Wrap-around design means land development projects where the active uses of building space, such as offices, retail stores, or apartments, envelop a parking structure at the interior of the development such that the parking structure is hidden entirely or partially from exterior view.

Window means any opening in a wall or roof which functions to admit light to a building or structure.”

Section 2. Appendix A, Article III, Division 2, of the Fulshear Code is hereby amended to read as follows:

“DIVISION 2. - DISTRICT REGULATIONS AND USE TABLE

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

(a) *Purpose.* The residential acreage (R1) District is intended to accommodate agricultural and very low-density single-family residential uses.

(b) *Uses permitted by right.* In the residential acreage (R1) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:

1. Single-family detached dwellings on single lots no smaller than one (1) acre;
2. Safety services; and
3. Public parks and recreational facilities.

(c) *Conditional uses.* The following uses of land, buildings, and structures are permitted in this District if they meet the conditional use standards outlined in section 1-224:

1. Agricultural uses;
2. Place of assembly;
3. Schools;
4. Day care centers;
5. Library; and
6. Private Stable / Kennel.

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

1. Those accessory uses permitted under section 1-226;
2. Any structural or mechanical permitted use, and a use customarily incidental to the permitted use; and
3. Off-street parking attributable to the permitted use.
4. Home occupations provided the standards of Sec. 1-226(7) are met.

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

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

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

- (1) Single-family detached dwellings on single lots;
- (2) Safety services; and
- (3) Park and recreation facilities.

- (c) *Conditional uses.* The following uses of land and structure are conditional uses in this District and must meet the conditional use standards outlined in section 1-224:
- (1) School;
 - (2) Day Care Center;
 - (3) Library; and
 - (4) Place of Assembly.
- (d) *Permitted accessory uses.* The following are permitted accessory uses:
- (1) Those accessory uses permitted under section 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use;
 - (3) Off-street parking attributable to the permitted use; and
 - (4) Home occupations provided the standards of Sec. 1-226(7) are met.

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

- (a) *Purpose.* The Commercial (C) District is intended to allow the development of Commercial activity. The District will incorporate existing Commercial and institutional uses and accommodate a variety of future neighborhood retail and community services.
- (b) *Uses permitted by right.* In the Commercial (C) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:
- (1) Safety services;
 - (2) Park and recreation facilities;
 - (3) Retail sales;
 - (4) School;
 - (5) Office;
 - (6) Day care center;
 - (7) Library
 - (8) Place of assembly; and

- (9) Art gallery or museum.
- (c) *Conditional Uses.* The following uses of land, buildings, and structures are permitted in this District if they meet the conditional use standards outlined in section 1-224:
 - (1) Hospital;
 - (2) Automobile repair; and
 - (3) Commercial animal shelter, kennel, and/or veterinary office.

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

- (a) *Purpose.* The purpose of this District is to regulate those uses of the land and structures that involve the manufacturing, assembly, processing, storage, or distribution, sale, and repair of materials, goods, parts, products, equipment, machinery, other such operations incidental to Industrial uses, and Sexually Oriented Businesses, pursuant to V.T.C.A., Local Government Code Ch. 243 and as set forth herein.
- (b) *Uses permitted by right.* In the Industrial (I) District, no building, structure, or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this division:
 - (1) Automobile display or sales, repair garage, tire or seat cover shop;
 - (2) Automobile used car sales;
 - (3) Carpentry, painting, plumbing, or tin smithing shop (including contractor's shop or storage);
 - (4) Manufacturing of saddles, other leather products, jewelry, draperies or interior decorations;
 - (5) Radio or television broadcasting stations or studios with on-site towers;
 - (6) Textile manufacturing;
 - (7) Wholesale distribution and warehousing—no outside storage;
 - (8) Accessory buildings and uses customarily associated with any of the above establishments to which they refer, except that they shall not be placed within any required setback; and
 - (9) Outdoor storage, mini-storage, self-storage, or facilities requiring the storage of goods or equipment outside (e.g. truck or van rentals, heavy equipment rentals, outdoor nurseries, etc.).

- (c) *Conditional Uses.* The following uses of land, buildings, and structures are permitted in this District if the conditional use standards outlined in section 1-224 are met:
 - (1) Heavy industry;
 - (2) Alternative financial services;
 - (3) Gaming establishments;
 - (4) Hemp and cannabinoid oil sale;
 - (5) Pawn shops; and
 - (6) Tattoo parlors.
- (d) *Special Uses.* The following uses of land, buildings, and structures are permitted in this District if the special use standards outlined in section 1-225: Sexually Oriented Businesses.

Sec. 1-190. - Multifamily (MF) District regulations.

- (a) *Purpose.* This District allows medium to high density Multifamily dwellings and is intended to comprise larger tracts of land which provide total residential amenities such as open space, recreation space, and areas of protected off-street parking.
- (b) *Uses permitted by right.* In the Multifamily (MF) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:
 - (1) Single-family, detached dwellings on single lots;
 - (2) Multifamily dwellings;
 - (3) Safety services; and
 - (4) Parks and recreational facilities.
- (c) *Conditional Uses.* The following uses of land and structure are permitted in this District if they meet the conditional use standards outlined in section 1-224.
 - (1) School;
 - (2) Library;
 - (3) Hospital; and

- (4) Day Care Center.
- (d) *Permitted accessory uses.* The following are permitted accessory uses:
 - (1) Those accessory uses permitted under section 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use;
 - (3) An accessory building necessary to store equipment for several dwelling units or provide service function for several dwelling units. No such accessory building shall be occupied as a place of abode. Any accessory building which is not a part of the main building shall be separated from the main building by a minimum of ten feet (10'); and
 - (4) Off-street parking attributable to the permitted use.
 - (5) Home occupations provided the standards of Sec. 1-226(7) are met.

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

- (a) *Purpose.* This District is intended to provide areas for public and semiprivate institutions, health care facilities and identify certain existing public and semipublic park and recreational areas as well as public land and facilities used for educational and governmental purposes.
- (b) *Uses permitted by right.* In the Community Facilities (CF) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division
 - (1) Public parks, open space, or other public area purchased or dedicated for recreational purposes;
 - (2) Except as provided herein, facilities of the government of the United States, State of Texas, or a political Subdivision thereof;
 - (3) Semipublic lands and facilities primarily used for providing recreational facilities or open space for residents of a particular residential Subdivision;
 - (4) Place of assembly;
 - (5) School;
 - (6) Hospital; and
 - (7) Library.
- (c) *Permitted accessory uses.* The following are permitted accessory uses:

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

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

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

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

- (a) *Purpose.* The Downtown (DD) District is intended to allow the development of a town center (a mixed use traditional small town core) as outlined in the City comprehensive plan. The District will incorporate existing Commercial and institutional uses at the heart of the new town area and accommodate a variety of future neighborhood retail and community services, as well as housing.
- (b) *Uses permitted by right.* In the Downtown (DD) District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this division:

- (1) Single-family, detached dwellings on single lots;
 - (2) Single-family townhouses on separate lots;
 - (3) Safety services;
 - (4) Parks and recreational facilities; and
 - (5) Office.
- (c) *Conditional uses.* The following uses of land and structures are permitted in this District if they meet the conditional use standards outlined in section 1-224.
- (1) School;
 - (2) Retail sales;
 - (3) Hospital;
 - (4) Day Care Center;
 - (5) Eating and drinking places;
 - (6) Place of assembly;
 - (7) Automobile repair; and
 - (8) Commercial animal shelter, kennel, and/or veterinary office.
- (d) *Special Uses.* The following uses of land, buildings, and structures are permitted in this District if the special use standards outlined in Sec. 1-225: *Multi-Family Dwellings.*
- (e) *Permitted accessory uses.* The following are permitted accessory uses:
- (1) Those accessory uses permitted under Sec. 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use;
 - (3) Off-street parking attributable to the permitted use; and
 - (4) Home occupations provided the standards of Sec. 1-226(7) are met.

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

- (a) *Purpose.* Manufactured Home Parks will meet the need for well-designed and operated areas for the leasing or temporary placement of Manufactured

Homes. The Manufactured Housing Subdivision will allow for the design, construction and sale of lots specifically designed for manufactured housing units which will be permanently affixed to the ground by permanent foundations and connected to public utility services in a like manner as conventionally on-site constructed homes.

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

- (1) Manufactured Homes;
- (2) Manufactured Housing Park;
- (3) Manufactured Housing Subdivision;
- (4) Single-family detached dwellings on single lots;
- (5) Place of assembly;
- (6) Safety services; and
- (7) Park and recreation facilities.

(c) *Conditional uses.* The following uses of land and structure are special uses in this District and must meet the conditional use standards outlined in section 1-224:

- (1) School; and
- (2) Library.

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

- (1) Those accessory uses permitted under section 1-226;
- (2) Any structural or mechanical use customarily incidental to the permitted use;
- (3) Off-street parking attributable to the permitted use; and
- (4) Home occupations provided the standards of Sec. 1-226(7) are met.

Sec. 1-195. Prohibited Uses

All land uses that are not listed as either a permitted, conditional, or special use within a specific zoning district shall be prohibited within said zoning district unless City Staff deems the land use to be functionally similar to a permitted, conditional, or special use that may be approved.

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

An up-to-date land use table shall be maintained by City Staff and available upon request. The land uses listed above in sections 1-186 – 1-194 are legally controlling should any provision of this appendix conflict with any administratively created table.

Section 3. Appendix A, Article IV, of the Fulshear Code is hereby amended to read as follows:

“ARTICLE IV. – CONDITIONAL AND SPECIAL USE REGULATIONS

Sec. 1-224. Conditional Use Standards.

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable conditional use standards of this section. Conditional uses are approved administratively by City Staff without the need of a permit being granted by either the Planning and Zoning Commission and/or the City Council. Unless otherwise indicated, the listed standards apply in all zoning districts where the use at issue is permitted as a Conditional Use.

a) *Agricultural Uses.*

1. When a property is located adjacent to a residential use:
 - a. No accessory vehicle service activity shall occur on site.
 - b. Visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property.
2. Any outdoor storage areas visible from a public right-of-way shall be enclosed by a solid masonry or concrete wall or a wood fence of sufficient height such that no stored materials or merchandise are visible above the top of the screening wall or fence from a public right-of-way.
3. Appropriate dust suppression measures shall be taken, such as containment or covering, when the outdoor storage involves materials likely to generate wind-blown dust that may affect adjacent properties.

b) *Alternative Financial Services.* Alternative financial services shall not be located within:

1. 1,000 feet of a site that contains another alternative financial service;
2. 200 feet of a property in a district in which a residential use is allowed or located;
3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

c) *Automobile Repair.*

1. All repair work and associated storage shall occur in an enclosed structure; and
2. In the Downtown District (DD) the use shall be located on an arterial or major thoroughfare street and on a parcel with a minimum lot size of 21,780 sq. ft.

d) *Commercial Animal Shelter, Kennel and/or Veterinary Office.*

1. A buffer strip of 10 feet with an opaque fence or wall is required along the property line of any residential district and adjacent to a public street;
2. The use is located at least 100 feet from all other residential districts or is sound attenuated such that the sound is not audible at the property line;
3. The run(s) may not be used after 9:00 p.m. or before 7:00 a.m.; and
4. In a multi-tenant building, ventilation systems shall control odors and allergens and prevent their circulation into other parts of the building.

e) *Day Care Center.*

1. The operator shall meet all the certification, licensing, and/or monitoring requirements of the State of Texas;
2. No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials;
3. All outdoor activities shall be located a minimum of 50 feet from any residential use and separated by 50 feet and a buffer strip of 10 feet from any other residential district; and

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

f) *Eating and Drinking Places.*

1. All requirements of Chapter 4, *Alcoholic Beverages*, of the City's Code of Ordinances have been met should the business decide to engage in serving alcoholic drinks;
2. No outdoor storage is allowed on-site;
3. All beverage production activities shall be located within a completely enclosed building, and, in the DD district, designed with noise-resistant materials;
4. All by-products or waste from production of beverages shall be disposed of off-site;
5. Loading docks and service doors shall not be oriented or face a residentially zoned or used property; and
6. The use shall be separated from residential districts and uses by a buffer strip of 10 feet.

g) *Gaming Establishments.* Shall not be located on a site that is within:

1. 1,000 feet of a site that contains another gaming establishment
2. 200 feet of a property in a district in which a residential use is allowed or located;
3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

h) *Heavy Industry.* For properties that adjoin a R1 or R2 Zoning District:

1. A minimum forty-foot (40') buffer strip shall be required.
2. A setback of 100 feet from any property line shall be required.

i) *Hemp and Cannabinoid Oil Sales.* Hemp and cannabinoid sales shall not be located on a site that is within:

1. 1,000 feet of a site that contains another location where hemp and cannabinoid sales is permitted;
2. 200 feet of a property in a district in which a residential use is allowed or located;

3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

j) *Hospital.*

1. Direct vehicular access shall be provided from a collector street, arterial street or highway; and
2. The use shall be separated from residential districts and uses by a buffer strip of 10 feet.

k) *Library.*

1. Off-street parking is prohibited on non-contiguous lots;
2. Expansion of the use meets the following criteria and standards:
 - a. The expansion will not encroach within 50 feet of a residential use or district;
 - b. A 10 feet buffer strip is required adjacent to all residential uses and districts; and
 - c. Vehicular access is taken from a collector street, arterial street or highway;
3. The use must be located in a permanent structure; and
4. The use is conducted such that it does not create parking or traffic congestion or unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.

l) *Pawn Shop.* Pawn shops shall not be located on a site that is within:

1. 1,000 feet of a site that contains another pawn shop;
2. 200 feet of a property in a district in which a residential use is allowed or located;
3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

m) *Place of Assembly.*

1. Off-street parking is prohibited on non-contiguous lots;
2. Expansion of the use meets the following criteria and standards:

- a. The expansion will not encroach within 50 feet of a residential use or district;
 - b. A 10 feet buffer strip is required adjacent to all residential uses and districts; and
 - c. Vehicular access is taken from a collector street, arterial street or highway;
 - 3. The use must be located in a permanent structure; and
 - 4. The use is conducted such that it does not create parking or traffic congestion or unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.
- n) *Private Kennel / Stable*. For properties that adjoin a R1 or R2 Zoning District:
- 1. A minimum forty-foot (40') buffer strip shall be required.
 - 2. A setback of 100 feet from any property line shall be required.
- o) *Retail Sales*. The gross floor area of the principal use shall not exceed 17,000 square feet.
- p) *School*.
- 1. Off-street parking is prohibited on non-contiguous lots; and
 - 2. Vehicular access is taken from a collector street, arterial street, or highway.
- q) *Tattoo Parlor*. Tattoo parlors shall not be located on a site that is within:
- 1. 1,000 feet of a site that contains another tattoo parlor;
 - 2. 200 feet of a property in a district in which a residential use is allowed or located;
 - 3. 300 feet of a place of assembly, school, or hospital; and
 - 4. 500 feet of the right-of-way of FM 359 or FM 1093.

Sec. 1-225. - Special Use Standards.

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable special use standards of this section. Unless otherwise indicated, the listed standards apply in all Zoning Districts where the use at issue is permitted as a Conditional Use. For approval procedures of a special use permit see Sec. 1-283, *Special Use Permits*.

a) *Sexually Oriented Businesses.*

1. *Purpose.* It is the purpose of this subsection to regulate Sexually Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses within the City. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent, nor effect of this subsection to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
2. *Applicability.* This subsection shall apply to any of the following:
 - a. The opening or commencement of any Sexually Oriented Business as a new business;
 - b. The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business; or
 - c. The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business.
3. *Standards.* In no event shall usage of land, buildings, or structures for Sexually Oriented Businesses be approved unless they meet the following special use standards:
 - a. A Sexually Oriented Business shall be located at least one thousand feet (1000') from a place of assembly, a school, a child care facility, the boundary of a residential area, a public park, the property line of a lot devoted to residential uses, any building or structure in which alcoholic beverages are offered for sale, a hospital, public library, a recreational center, a public swimming pool, the boundary or any area zoned R1, C, R2, or another Sexually Oriented Business. Measurements for purposes of this subsection shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the church, school, day care center, or to the nearest boundary of an affected property line, public park, District, or to the closest exterior wall of another Sexually Oriented Business.
 - b. A Sexually Oriented Business lawfully operating under the terms of this subsection is not rendered in violation of this subsection by the subsequent location of a church, public or private

elementary or secondary school, day care center, Public Park, area subsequently zoned R1 or R2, or subsequently put to residential use.

b) *Multi-Family Dwellings*. Within the Downtown District, Multi-family dwellings are only permitted through the Special Use Permit process. In determining whether to grant the special use permit, The City shall consider whether the proposed multi-family dwelling meets the following standards:

1. Specific provisions for parking and loading areas, driveways, lighting, signs, landscaping, buffering, and all other site improvements shall:
 - a. Meet or exceed the requirements within the City's Code of Ordinances; and
 - b. Be determined prior to the granting of a Special Use Permit through the site plan review process;
2. Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to any existing uses; and
3. The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, and/or any other undesirable conditions.

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

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

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

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

- f. On-premises signs;
- g. Solar energy systems; and
- h. Other necessary and customary uses determined by the Chief Building Official or City Manager to be appropriate, incidental and subordinate to the principal use on the lot.

(5) *Model homes.*

- a. Notwithstanding any provision of this article, model homes may be constructed in a residential Subdivision after approval of the final plat and installation of all required improvements, subject to certain conditions. For the purposes of this article, the term "model home" shall be defined as a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the Subdivision and which will not be permanently occupied during its use as a model.
- b. Each Subdivision shall be limited to one (1) model home per twenty (20) platted and approved lots in the Subdivision or a maximum of four (4) model homes per development. Lots planned for future phases of development shall not be considered as platted lots. New model homes may be permitted and constructed following the sale of existing model homes.
- c. Construction of model homes may begin upon completion of all public improvements in the Subdivision. The model home may only be occupied for sales and display purposes upon completion of the street leading to the model home and for fifty feet (50') thereafter.
- d. The model home shall be used only for selling new homes within the Subdivision where the office has been established. The model homes will not be inhabited as dwellings and will only be used for display and sales purposes until after installation and acceptance of all required improvements in the Subdivision.
- e. All installations related to the sales activity (e.g., canopies, partition walls, signage, fencing, lighting, temporary parking and similar improvements) shall be converted to the approved residential use prior to occupancy as a residential structure. If the carport or garage has been converted to office space, it must be returned to a condition suitable for the parking of automobiles.
- f. Applicant shall post a five-thousand-dollar (\$5,000.00) bond, refundable deposit, or other form of surety per model home to guarantee conversion of any office/display area to the approved residential use and for removal of any exterior items such as temporary parking, fencing, lighting and signage.

- g. Applicant shall make application for a model home building permit which shall be subject to all applicable building, Subdivision, Zoning and all other codes in the same manner as any other residence. It shall also comply with all deed restrictions, drainage, and other construction plans of the given Subdivision.
 - h. Model home permits shall be valid for no longer than three (3) years or eighty percent (80%) development build out. Applicant may file a request for an extension upon a showing that the model home is still needed.
 - i. The application for a model home permit shall include a Statement in a form approved by the City attorney and signed by the applicant in which the applicant agrees to indemnify and hold harmless the City, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the construction and occupancy of the model home prior to construction of all required improvements and filing of the final plat.
 - j. Granting a model home permit in no way obligates the City to supply any utility or access to any model home until such utilities and roadways have been constructed and accepted by the City.
- (6) *Temporary sales trailers.* Temporary sales trailers are permitted in residential developments prior to the construction of a model home. Following the installation of the model home, temporary sales trailers shall be removed from the site. Temporary sales trailers may be permitted based on the following requirements being met:
- a. *Site plan.* A site plan indicating required parking, building location, required utilities, and other similar site features shall be submitted.
 - b. *Landscaping required.* Landscaping shall be installed in conformance with the landscaping requirements as indicated in section 1-165. A landscaping plan shall be submitted indicating the proposed layout of plantings and their maintenance.
 - c. *Utilities required.* Temporary sales trailers shall be supplied with all utilities, to include water, sewer, electricity, and telephone in order to facilitate the proper function of the trailer.
 - d. Restroom facilities are required within the trailer.
 - e. *Americans with Disabilities Act (ADA) compliance.* Temporary sales trailers shall meet all requirements of the ADA, including providing access ramps and accessible restroom facilities.
 - f. *Structural requirements.* All trailers shall be built to the requirements of the City Engineer and Chief Building Official with respect to foundation,

site placement, natural hazards mitigation, floodplain, and other requirements as necessary to ensure the safe conduct of business in the temporary sales trailer.

- g. *Permit required.* A temporary use permit shall be required. Permits shall be granted following review of staff and approval by the Planning and Zoning Commission and City Council. Permits shall be effective for a twelve (12) month period from the date of approval. No sales or other operation shall be allowed prior to approval. Following the permit period or construction of a model home, the sales trailer shall be removed from the site. The sales trailer shall not be used for any other purpose than general, site-specific sales and construction oversight and management. A twelve (12) month extension may be granted by the Planning and Zoning Commission and City Council.

(7) *Home Occupations.*

- a. The occupation shall be conducted entirely within the principal dwelling;
- b. Wholesale and retail sales are prohibited;
- c. Signage is not permitted to identify the home occupation;
- d. There shall be no visible storage of equipment, products, or materials on-site related to the home occupation;
- e. The use shall not create undue noise, vibration, or odors;
- f. The home occupation does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one-ton step-up vans, or similar-sized trucks that are less than seven tons gross vehicle weight;
- g. No persons other than the immediate family residing at the home may work at the home occupation;
- h. Parking needs generated by the home occupation are satisfied on-site; and
- i. The occupation must be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.

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

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

- (1) Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance;
 - (2) Provide an alternative for more efficient use of land, resulting in smaller networks of utilities, safer network of streets, promoting greater opportunities for public and private open space, and resulting in lower construction and maintenance costs to the general public;
 - (3) Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with the thoroughfare plan, and land use relationship with surrounding properties and the general area; and
 - (4) Require the application of professional planning and design techniques to achieve overall coordinated development, eliminating the negative impacts of unplanned and piecemeal development likely to result from rigid adherence to the Zoning classifications and standards found elsewhere in this article.
- (b) *Eligibility.* The foregoing general purposes and comprehensive plan elements, along with such standards provided in this article, shall guide in the determination of eligibility for PUD application.
- (c) *PUD designation procedure.* The process for the filing of an application, requirements for notice and advertisement of a PUD application and other related actions shall be the same as those provided for in the Zoning amendment process as described in section 1-279. In addition to the above, the applicant shall be governed by the following requirements:
- (1) *Pre-application conference.* Prior to submitting an application for approval of a PUD, the applicant or representative shall confer with the Chief Building Official. The applicant is encouraged to submit a tentative land use sketch for review and to obtain any information on any projected plans, programs or other matters that may affect the proposed development. This information should include the:
 - a. Proper relationship between the proposed development and surrounding uses, and the effect of the plan upon the comprehensive plan of the City;
 - b. Adequacy of existing and proposed streets, utilities, and other public facilities and services within the proposed planned development;
 - c. Character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living

conditions, to provide separations and screening between uses where desirable, and to preserve the natural amenities of streams, wooded areas, and similar natural features; and

- d. Adequacy of open space and recreation areas, existing and proposed, to serve the needs of the development.

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

- a. Ownership. All land included for purposes of development within a PUD District shall be owned by or be under the control of the applicant for such Zoning designation, whether the applicant is an individual, partnership, corporation, or group of individuals. The applicant shall present proof of the unified control of the entire area within the proposed PUD District.
- b. Legal description of the site accompanied by a map at a scale suitable for reproduction for advertising for a Public Hearing.
- c. Site conditions map or series of maps that shall indicate the following:
 - 1. Title of planned development and name of developer;
 - 2. Scale, date, north arrow, and general location map showing relationship of the site to external facilities such as highways;
 - 3. Boundary of the subject property;
 - 4. All existing streets, buildings, watercourses, easements, section lines, and other important features within the proposed project. The location and size, as appropriate, of all existing drainage, water, sewer, and other utility provisions, and information about existing vegetative cover.
- d. Concept plan at the same scale as the above site conditions maps which shall indicate:
 - 1. Sketch plan for pedestrian and vehicular circulation showing the general locations and rights-of-way widths

and the general design capacity of the system as well as access points to the major thoroughfare system;

2. A general plan for the use of lands within the PUD. Such plans shall indicate the location, function and extent of all components or units of the plan, including low-, medium-, and high-density residential areas (indicating the proposed density for each category), open space provisions, community-serving recreation or leisure facilities, and areas for public or quasi-public institutional uses such as schools, places of assembly and libraries;
 3. A statement indicating that proposed arrangements are made with the appropriate agencies for the provision of needed utilities to and within the planned development.
- e. A report shall be prepared in conjunction with the above material and shall include:
1. Total acreage involved in the project;
 2. The number of acres devoted to the various categories of land shown on the site development plan, along with the percentage of total acreage represented by each category of use and component of development, plus an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the planned development;
 3. The number and type of dwelling units involved for the overall site and for its components;
 4. A description of the projected service areas for nonresidential uses (e.g., neighborhood, community or regional);
 5. A statement or map indicating which streets and roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance and whether approval will be sought for private roads, if any, within the development;
 6. A statement or map on drainage which generally shows existing drainage conditions, wetlands, areas of frequent flooding, points of discharge from the project, and anticipated quantity of water generated from the development;

7. A statement which shall indicate the proposed method of governing the use, maintenance and continued protection of open space and community-serving facilities.
- f. Development schedule. The development site plan shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. A development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer, and all successors in interest. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may extend the development schedule or adopt such new development schedule as may be supported by the facts and circumstances of the case.
- (3) *Submission of a final PUD plan.* Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the Planning and Zoning Commission. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection (c)(2) of this section and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission.

Sec. 1-228. - Antennas and Towers.

(a) *Applicability.*

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

the requirements of this code other than the requirements of this code for grandfathered towers and antennas. Any towers or antennas that fail to meet the requirements of this code shall be referred to as "grandfathered towers" or "grandfathered antennas."

(b) *Guidelines and requirements.*

- (1) *Purpose.* The purpose of this subchapter is to establish rules and regulations for the site placement and maintenance of towers and antennas of the type as herein defined and set out. The goals of this chapter are to encourage and to provide for the location of towers in nonresidential areas and minimize the total number of towers throughout the community, and to encourage strongly the joint use of new and existing towers. In addition, it is the purpose of these regulations to encourage the use of towers and antennas to be located in areas where the adverse impact on the community is minimal and to encourage the user of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and to enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- (2) *Existing sites.* Each applicant for a tower permit shall provide the City Council an inventory of its existing towers, including specific information about the location, height and design of each tower. The City Council shall review the data and information as may be submitted, and all data submitted in conjunction with an application as herein provided shall be deemed a part of the open and public record.
- (3) *Location.* The guidelines set forth in this code shall govern the location of all towers and the installation of all antennas; provided, however, that the governing body may in its sole discretion provide other regulations or other requirements that accomplish the objectives of this code where it is found that the goals and purposes of this chapter and this code are better served by such exceptions.
- (4) *Requirements.* Towers shall either be constructed to maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray so as to reduce visual obtrusiveness.
- (5) *Design requirements.* At a tower site, the design of buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

- (c) *Installation of an antenna of a structure other than a tower.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) *Lighting of towers prohibited.* Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the City Council shall approve the design for lighting and the design must take into effect existing and contemplated uses of surrounding property and be configured in a way as to cause the least disturbance to the surrounding views.
- (e) *Federal and other governmental requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government or any other governmental entity with the authority to regulate towers and antennas. If the standards and regulations are changed, then the owners of the towers and antennas governed by this code shall bring the towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute an immediate and automatic revocation of the authority granted under this chapter and the City may require the removal of any tower antenna in noncompliance at the cost of the owners.
- (f) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the Building Codes of the City and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. The City, through the Chief Building Official or other persons so designated, may inspect towers and antennas at any time, and if the Chief Building Official finds and concludes that the tower or an antenna fails to comply with such codes and standards and/or constitutes a danger to persons or property, then the Chief Building Official, upon notice being provided to the owner of the tower, may order that the tower and antenna be brought into compliance with the codes and standards within a period not to exceed thirty (30) days. If the owner fails to bring the tower into compliance within thirty (30) days, the City Council may order the removal of the tower and antennas at the expense of the owner. In the event a removal is ordered, the City shall not assume any liability for the removal and shall be entitled to a lien upon the personal property, fixtures or real estate for the purpose of paying its cost incurred in the removal.

- (g) *Permit required.* With the exception of the specific exemptions found in subsection (a) of this section, no tower or antenna shall be constructed, erected or maintained in the City unless a permit, hereinafter referred to as a tower permit, shall have first been issued by the City Council for the placement, location and maintenance of the tower and antenna.
- (h) *Application and fees.* From time to time the City Council may adopt an application form or procedure for the issuance of a tower permit. In addition, the City Council may specify fees, costs and expenses that must be paid by the applicant as an application fee prior to the review or issuance of the tower permit. In the event the City Council shall fail to specify or provide for tower permit application or a procedure for the issuance of a tower permit, then the Chief Building Official is hereby directed to establish such procedure as shall be reasonable and necessary to accomplish the objectives of this code. The application fee approved by the City Council shall be in an amount sufficient to cover the cost incurred by the City in reviewing the application and material submitted by the applicant. In addition, prior to the issuance of any permit and as a condition for the issuance of a tower permit, the applicant shall pay any additional cost as may be incurred by the City, including but not limited to professional fees incurred in the review of any application.
- (i) *Requirements of an application.* Each application filed hereunder shall show and attach thereto all relevant documents showing compliance with all laws and regulations promulgated by the federal government, including laws and regulations relating to the FAA or the FCC or any other governmental entity. In addition, no authority granted under this code shall be deemed to have any final authority until an application for a building permit has finally been approved by the Chief Building Official of the City.
- (j) *Shortened Administrative Process.*
 - (1) The City Council recognizes that there are certain circumstances where a tower permit may be issued administratively by the Chief Building Official without review by the City Council, and in this regard the Chief Building Official is hereby directed and authorized to issue a tower permit as provided for under this chapter without referral to or review by the City Council. The applicant for a tower permit by administrative approval shall first comply with all other requirements of this code including making application on such form as may be from time to time provided by the City and paying the required fee. The authority herein granted to the Chief Building Official shall be deemed discretionary by the Chief Building Official and the Chief Building Official may decline to issue a tower permit administratively and may refer the application to the City Council for approval in accordance with the other provisions of this chapter.

- (2) The Chief Building Official may approve a tower permit administratively if it is found that one or more of the following conditions or circumstances shall exist:
- a. The proposed tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna, will be located in an Industrial or heavy Commercial District or area of town. An Industrial or heavy Commercial area is one that is separated from any platted lot of record that is in residential use or intended for residential use by at least one thousand feet (1,000') from the closest point of any lot platted or used for residential purposes or, in the case of non-platted property, one thousand feet (1,000') from any structure actually used for residential purposes. In measuring or determining any of the distances as herein provided, measurements should be taken from the closest point of the lot or structure to the base or structural point of the tower closest to the residential lot or residential structure.
 - b. The installation of an antenna is on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing nonresidential structure) that is at least fifty feet (50') in height or greater so long as the additional antenna adds no more than twenty feet (20') to the height of the existing structure.
 - c. The installation of an antenna is on an existing tower of any height so long as the addition of the antenna adds no more than twenty feet (20') to the height of the existing tower. The tower permit issued under this section shall not permit the placement of additional buildings or other supporting equipment used in connection with the antenna.
- (k) *General requirements for approval of an antenna tower or structure and the issuance of a tower permit.* The following general provisions shall govern the issuance of a tower permit and shall control all applications for a tower permit. Each applicant requesting a tower permit under this code shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, or other documentation signed and sealed by appropriate professional engineers showing the location and dimensions of the improvement, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assess compliance with this code, including such other and additional information as may be deemed necessary and required by the City Council.

- (l) *Factors in considering the granting of the permit.* The City Council shall consider the following factors in determining whether or not to issue a tower permit and such other factors as may be deemed appropriate and necessary in order to determine that the goals of the code are properly served:
 - (1) Height of the proposed tower;
 - (2) Proximity of the tower to residential structures and residential Districts; however, the City Council shall not approve any tower which is closer than one thousand feet (1,000') to any lot platted for residential use or from any structure in residential use;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Surrounding tree coverage and foliage;
 - (6) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obstructions;
 - (7) The availability of suitable and existing towers and other structures presently constructed which are suitable for antenna location; and
 - (8) The environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations concerning such emissions shall not be considered.

- (m) *Availability of suitable towers or other structures.* No new tower permit shall be issued unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna or tower may consist of any of the following.
 - (1) No existing towers or structures are located within the geographic area required to meet applicant's Engineer's requirements;
 - (2) Existing towers or structures are not of sufficient height to meet applicant's Engineer's requirements;
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures or

the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna;

- (5) The fees or costs required to share an existing antenna or structure which will be paid at the beginning of a sharing relationship or will be paid within one (1) year from the date of the inception of any sharing relationship exceed the cost of constructing a new tower;
 - (6) Property owner(s) of existing towers or structures are unwilling to accommodate reasonably the applicant's needs. The applicant must specify the reason for property owner(s) refusing to accommodate and submit satisfactory proof of non-accommodation, including documents evidencing appropriate financial tenders.
 - (7) The applicants demonstrate that there are other limiting factors that render existing towers and structures unsuitable.
- (n) *Setbacks.* The following setbacks and separation requirements shall apply to all towers and antennas for which a tower permit is required; provided, however, that the governing body may, in its discretion, provide for other or different regulations if it finds that the goals of this code are better served by such modifications.
- (1) Towers must be set back a distance equal to two hundred feet (200') from the nearest point to any lot platted for residential use or any structure in residential use. If the height of the antenna tower is deemed to be greater than five hundred feet (500'), then the setback as herein provided shall be three (3) times the height of the tower.
 - (2) Towers, guys and accessory facilities must be constructed in a way to avoid adverse impact upon adjoining properties and the uses thereof. In addition, all such structures and apparatus must be properly screened by a visual barrier or fence of a height not less than eight feet (8') and shall be appropriately marked.
 - (3) In all areas other than Industrial and heavy Commercial areas which are separated from lots platted for residential use or from structures in residential use by more than one thousand feet (1,000'), towers over ninety feet (90') in height shall not be located within one-quarter (1/4) mile from an existing tower that is over ninety feet (90') in height.
- (o) *Security.* In addition to the fencing requirements as herein set out, all fencing shall be locked and secured and shall be equipped with appropriate anti-climbing devices; provided, that if the City Council finds and determines that, because of natural barriers or the existence of other apparatus or conditions, this requirement is not necessary, the City Council may, in an appropriate case, modify the screening and fencing requirements as herein set out.

(p) *Landscaping.*

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

(2) The requirements as herein provided are:

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound. The applicant for a tower permit shall file with the City a landscape plan which shall be approved by the City Council in conjunction with any application filed in accordance herewith. In the case of an application for administrative approval, the requirements for a landscape plan may be approved by the Chief Building Official without City Council approval if a request for administrative approval is granted. It shall be the duty of the applicant to fully maintain any landscaping as herein provided as a condition for the maintenance of the permit; and

b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be deemed by the City Council to be a sufficient buffer.

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

(r) *Existing antennas and towers.*

(1) Any antenna or tower that would otherwise be subject to regulation under the terms and provisions of this code that had been

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

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

(s) *Applicant shall acquire no vested rights.*

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

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

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

Section 4. Appendix A, Section 1-283, of the Fulshear Code is hereby amended to read as follows:

Sec. 1-283. - Special Use Permits.

- (a) The City Council may by Ordinance grant a Special Use Permit for any land use in any zoning district provided that the special use is specifically authorized under this Ordinance. (See Article III, Division 2, *District Regulations and Use Table*). In granting a Special Use Permit, the City Council shall ensure that all required conditions necessary for the use to be lawful shall be complied with by the owner or grantee before a certificate of occupancy is issued by the building inspector, for use of the building on such property pursuant to such Special Use Permit and such conditions precedent to the granting of the certificate of occupancy.
- (b) All requests for Special Use Permits shall first be presented to the Planning and Zoning Commission, which shall hold Public Hearings thereon and consider them in accordance with subsection (c) of this section, and then make a recommendation to the City Council which shall also hold Public Hearings and shall approve, disapprove or approve the special use with conditions. Any additional approval requirements for a special use permit shall be to mitigate a concern directly related to subsection (c) of this section.
- (c) In addition to the specific requirements for a specific type of special use (See Sec. 1-225, *Special Use Standards*), Special Use Permits may not be granted unless the Planning and Zoning Commission makes written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the Special Use Permit will not:
 - 1. Be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located;
 - 2. Impair an adequate supply of light or air to adjacent property;
 - 3. Substantially increase the congestion in the public streets;
 - 4. Increase the danger of fire;
 - 5. Endanger the public health, safety and well-being; or
 - 6. Substantially diminish or impair property values within the neighborhood.
- (d) Every Special Use Permit granted under these provisions shall be considered as an amendment to the Ordinance that is only applicable to each property

that is granted the special use status. Granting a Special Use Permit shall not be considered as a permanent change in Zoning.

- (e) In the event the building, premises, or land uses under the Special Use Permit is voluntarily or involuntarily vacated or if the ownership is voluntarily or involuntarily transferred, or if such buildings, premises, or land is more than fifty percent (50%) destroyed by fire or other cause, the use of the same shall thereafter conform to the regulations of the original Zoning District of such property unless a new and separate Special Use Permit is granted for continuation of the use.
- (f) No building, premises, or land used under a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Special Use Permit is granted for such enlargement, modification, structural alteration, or change.
- (g) The following shall be submitted in connection with all applications for a Special Use Permit:
 - 1. *Ownership affidavit.* A Statement of ownership and control of the subject property and a Statement describing the nature of the intended use shall be submitted.
 - 2. *Vicinity map.* A general location map indicating the approximate location of the subject parcel shall be submitted.
 - 3. *Context map.* Twenty (20) full-size, twenty-four by thirty-six inches (24" × 36"), copies of a context plan shall be submitted; additional copies may be required. The map shall include the existing features within two hundred feet (200') of the proposed conditional use. Existing features include, but are not limited to, buildings, ingress and egress points, landscaping areas, pedestrian paths and property names.
 - 4. *Survey.* A survey prepared and stamped by a State registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel shall be submitted.
 - 5. *Compliance with the comprehensive plan.* A Statement indicating how the proposed development complies with the City's adopted comprehensive plan shall be submitted.
 - 6. *Site plan.* Twenty (20) full-size, twenty-four inches by thirty-six inches (24" × 36"), copies of the site plan are required to be submitted and shall be prepared and stamped by licensed and/or certified professionals including, but not limited to, architects, landscape architects, land planners, Engineers, surveyors, transportation Engineers or other professionals, deemed necessary by the City Manager or his designee for detailed elements that should be included on the site plan.

7. *Landscaping plan.* Twenty (20) full-size, twenty four inches by thirty six inches (24" × 36"), copies of a landscaping plan is required to be submitted and shall be prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, existing trees (in accordance with section 1-165), and showing compliance with the City's off-street parking requirements, the City's design guidelines and policies, and the requirements of the appropriate Zoning District.
8. *Grading and drainage plan.* Twenty (20) full-size, twenty-four inches by thirty-six inches (24" × 36"), copies of a grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage shall be submitted.
9. *Lighting plan.* A lighting plan shall be submitted which indicates the illumination of all interior areas and immediately adjoining streets showing the location, candlepower and type of lighting proposed. The lighting plan shall be in conformance with all applicable lighting standards of Fort Bend County.
10. *Elevations.* Twenty (20) full-size, twenty-four inches by thirty-six inches (24" × 36"), copies of elevations of all buildings, fences and other structures viewed from all sides indicating height of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials shall be submitted.
11. *Signage plan.* The Planning and Zoning Commission shall approve an overall signage plan during the specific use approval process. All information to be provided for the sign permit shall be submitted concurrent with the site plan application materials.
12. *Traffic impact study.* A traffic impact study, completed by a certified traffic Engineer, may be required if it is estimated by the City Engineer that the project could generate trips for any given time period in excess of five percent (5%) of the existing volume of traffic on adjacent street systems.
13. *Public notice.* Stamped and addressed business size envelopes (which do not include return addresses) to all owners of property located within three hundred feet (300') of the boundary of the proposed conditional use, as listed in the current county records, shall be submitted."

Section 5. **Penalty.** Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00), provided that if such rule,

ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. **Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. **Repeal.** All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. **Effective date.** This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the ____ day of _____, 2019.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING VARIOUS LAND USE REGULATIONS SET FORTH IN APPENDIX A OF THE FULSHEAR CODE, GOVERNING ZONING, INCLUDING BUT NOT LIMITED TO CONDITIONAL USES, SPECIAL USES, AND PROHIBITED USES, BUT NOT INCLUDING ANY CHANGE IN ZONING CLASSIFICATION; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas (the "City"), is constantly reviewing the Code of Ordinances, City of Fulshear, Texas (the "Fulshear Code") to identify provisions which may be amended for clarity, efficiency, or other purposes to protect health, life, and property and to preserve the good government, order, and security of the City and its inhabitants; and

WHEREAS, the City recognizes that Appendix A of the Fulshear Code, governing zoning, requires substantial proceedings prior to certain land uses being approved within certain zoning districts; and

WHEREAS, the City desires to amend Appendix A of the Fulshear Code in order to expedite the approval process for one or more of such land uses, without changing zoning classification; and

WHEREAS, after giving due notice as required by Chapter 211 of the Texas Local Government Code, the Planning and Zoning Commission held a public hearing on its preliminary report on such amendment, and has submitted a final report to the City Council of the City of Fulshear; and

WHEREAS, the Planning and Zoning Commission has made a recommendation to the City Council regarding the amendment; and

WHEREAS, after receiving the final report of the Planning and Zoning Commission, and after giving due notice as required by Chapter 211 of the Texas Local Government Code, the City Council held a public hearing on the matter at which parties in interest and citizens had an opportunity to be heard; and

WHEREAS, the City Council desires to amend Appendix A of the Fulshear Code as provided herein, finds that such amendment is in accordance with the City's comprehensive plan, and finds that such amendment promotes the public health, safety, morals, or general welfare and protects and preserves places of civic or architectural importance and significance;

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

Section 1. Appendix A, Section 1-72, of the Fulshear Code is hereby amended to read as follows:

“Sec. 1-72. - Defined terms.

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

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

Agricultural Uses means land uses that include, but are not limited to farming; dairying; pasturage agriculture; horticulture; floriculture; viticulture; and animal and poultry husbandry. The term does not include uses that produce noxious odors, including the raising of hogs, pigs, or other livestock fed from garbage or offal; and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alternative financial service means a business which is used for check cashing, payday advances or loans, money transfers, motor vehicle title loans, or a credit access business. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop, convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.

Aluminum Composite Panel (ACP) means a smooth material comprised of composite metal for external cladding of buildings on vertical, sloped, or horizontal surfaces. ACPs may be applied over masonry, structural steel, stud backup, or within curtain wall designs. ACPs may be produced in numerous colors or in patterns that imitate other materials such as marble or wood.

Arcade means an arched or covered passageway attached to a building façade.

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

Articulation means an architectural design method in which particular elements and parts of a building such as building facades and rooflines are made more distinct through variation in flat surfaces and straight lines.

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

Automobile repair means the use of land or buildings for the repair of automobiles regardless of the age of the automobile being repaired.

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

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

Brick means kiln fired clay or shale brick manufactured to American Society for Testing and Materials ("ASTM") C216 or C652 Grade SW; may include concrete brick if the coloration is integral, shall not be painted, and is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay, sand, or shale.

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

Building integrated photovoltaics (BIPV) means the use of photovoltaic materials to replace conventional building materials in parts of a building envelope such as the façades, roof, or skylights. Photovoltaic materials generate electrical power by converting solar radiation into direct current electricity. A BIPV system serves the dual function of building skin and power generator and is often used to add architectural interest to a building.

Check cashing business means an establishment that provides on or more of the following: an amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction; or an agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee. *Cladding* means the application of one material over another to provide a skin or layer intended to control the infiltration of weather elements, or for aesthetic purposes.

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

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

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

Community home means a licensed community home as defined by Ch. 123 of the Texas Human Resources Code and must have not more than six (6) persons with disabilities as and two supervisors residing in the home at the same time. The limitation on the number persons with disabilities applies regardless of the legal relationship of those persons to one another. The home may not be established within one-half (½) mile of an existing community home. The term community home shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. To qualify as a community home, an entity must provide the following services to persons with disabilities who reside in the home:

- (1) Food and shelter;
- (2) Personal guidance;
- (3) Care;
- (4) Habitation services;
- (5) Supervision.

Concrete Masonry Unit (CMU) means a building unit or block larger in size than 12" x 4" x 4" made of cement and suitable aggregates. See also Decorative Concrete Block. *Cornice* means a horizontal molded projection that crowns or completes the top of a building or wall.

Credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code, as amended.

Crime Prevention Through Environmental Design (CPTED) involves a multi-disciplinary approach to deterring criminal behavior through purposeful design of development sites, buildings, parking areas, and public spaces to increase visibility and minimize potential hiding places.

Day care center means an establishment providing nonmedical care, protection and supervision for individuals on a regular basis, away from their primary residence for

less than twenty-four (24) hours per day. The term ["day care center"] includes nursery schools, preschools and day care centers for adults and children.

Decorative Concrete Block means concrete masonry unit (CMU) which has a highly textured finish, such as split faced, indented, hammered, fluted, ribbed, or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

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

Dormer means an extension built out from a sloping roof to accommodate a vertical window.

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

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

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

Eating and drinking place means an establishment where the principal business is the sale of food or beverages in a ready-to-consume state. Typical uses include restaurants and other similar uses.

Elevation means the perimeter surface of a building.

Exterior Insulation and Finish System (EIFS) means a method of building cladding that provides an insulating, protective, and decorative finish system for exterior walls that can be installed on any type of construction, and in a variety of shapes, colors, and textures to replicate other architectural styles or finish materials.

Family means any number of individuals, related by blood, marriage, or adoption, and domestic servants for such a family, or a group of not more than four (4) persons who are not so related, living together as a single nonprofit housekeeping unit doing their own cooking. In order to comply with federal and state law, community homes are included within the definition of family.

Gable means a triangular area of an exterior wall under the inverted "v" formed at the end of a pitched roof.

Gaming establishment means an establishment wherein one or more gaming machines, as defined as any machine when such machine or machines dispense or are used or are capable of being used to dispense a representation of value where such representation of value is redeemable for noncash merchandise prizes, toys or novelties that have a wholesale value from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or \$5.00, whichever is less, are operational.

Hardscape means the inanimate elements of a planned outdoor area or landscaping installation, especially involving stone, masonry, or woodwork.

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

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

Hemp and cannabinoid oil sales means any the location of sale of any product that is legally produced and/or cultivated in accordance with Texas Agriculture Code Chapter 121, State Hemp Production Plan, and Chapter 122, Cultivation of Hemp.

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

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

Industry, heavy, means an establishment engaged in the basic processing and manufacturing of products predominantly from extracted or raw materials; or the bulk storage and handling of such products and materials; or a use engaged in the storage of, or manufacturing processes involving, flammable or explosive materials; or storage or manufacturing processes that involve potentially hazardous materials or materials commonly recognized as offensive. Blacksmithing; Ceramic or pottery manufacture with dust, odor, and fume control; and Woodworking or planing mill with dust, odor, and fume control are examples of heavy industry.

Industry, light, means an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic Industrial processing. Blacksmithing; Ceramic or pottery manufacture with dust, odor, and fume control; and Woodworking or planing mill with dust, odor, and fume control are examples of heavy industry.

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

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

Logo building means a structure with a standardized design in terms of its colors, materials, exterior elevations, or the arrangement of such architectural elements, that is widely used and replicated to where it is readily recognized as representing a particular brand or franchise, especially by reflecting the color scheme or other aspects of a corporate logo.

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

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

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

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

Manufactured Home means a factory-built, single-family dwelling manufactured on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term ["manufactured home"] does not include a recreational vehicle as defined in this section. *State Law reference*— Definition of manufactured home and HUD-manufactured home, V.T.C.A., Occupations Code § 1201.003.

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

Manufactured Housing Subdivision means a parcel of land which has been platted and approved by the city and where lots are planned to be sold for the placement of

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

Masonry means and includes that form of construction defined below and composed of brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar. The following materials shall not qualify nor be defined as "masonry" in meeting the minimum requirements for exterior construction of buildings, unless specifically approved by variance:

Stucco, exterior plaster, adobe or mortar wash surface material;

Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;

Cementitious fiber board siding or fiber cement siding, (such as "Hardie Plank" or "Hardie Board");

Precast concrete panels; and

Plain concrete block or painted concrete block.

Master planned development means a development that is proposed by one property owner or one ownership group that owns at least 10 acres of contiguous property and that is proposed as a mixed-use development.

Mixed-Use development means a development where a combination of residential and nonresidential uses are part of the same development proposal.

Mobile home means a factory-built, single-family dwelling manufactured before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as defined in this section. *State Law reference*— Definition of mobile home, V.T.C.A., Occupations Code § 1201.003.

Motor title loan business means an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.

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

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

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

Nonresidential building means a building utilized for use other than residential dwellings and accessory structures related to nonresidential buildings.

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

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

Oriel window means a form of a bay window that projects from the main wall of a building, often from an upper floor.

Out-parcel means a relatively small tract of land along the edge of a larger property, also called a pad site, that is usually reserved for later sale to accommodate satellite uses such as the small retailers and chain restaurants that develop around a large shopping center.

Parapet means a low wall along the edge of a roof.

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

Pawn shop means the location at which or premises in which a pawnbroker regularly conducts business as defined by the State of Texas Finance Code.

Payday advance or loan business means an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and a fee or interest rate based on the size of the loan amount.

Place of assembly means a building in which people assemble for civic, educational, religious, or cultural purposes. This use includes auditoriums, event facilities, meeting halls, fraternal organizations, places of worship, and private clubs. This use does not include residential buildings.

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

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

Precast Concrete Panel means a product often associated with tilt up wall construction where concrete has been cast into a form which is later incorporated into a structure.

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

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

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

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

Retail Sales means an establishment engaged in the sale or rental of goods or merchandise. This definition does not include eating and drinking places, pawn shops, offices, alternative financial services, gaming establishments, hemp & cannabinoid sales, or tattoo parlors.

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

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

Score line means a notch or incision on a building façade, often in a different color or texture, to add variety and visual interest to exterior walls.

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

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

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

(1) *Adult Cabaret*. An establishment devoted to adult entertainment presenting materials distinguished or characterized by their emphasis on matters depicting, describing, or relating to sexual activities or anatomical genital areas or that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

(2) *Adult Motion Picture Theater*. An enclosed building or outdoor facility used for presenting motion pictures depicting, describing, or relating to sexual activities or anatomical genital areas.

(3) *Adult Store*. An establishment having as a substantial or significant portion of its stock in trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matters depicting, describing, or relating to sexual activities or anatomical genital areas, or instruments, devices, or paraphernalia which are designed for use in connection with sexual activities.

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

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

cigarette papers or cigars. For purposes of this definition, smoking paraphernalia establishments may also be referred to as head shops.

Soldier course means a series of bricks set on end such that their long, narrow face is oriented vertically on the wall, often standing out from the typical horizontal orientation of a brick wall.

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

Standing seam metal means a side-by-side formation of panels, typically made of steel, aluminum, copper, or other architectural metal, in which the panels are joined together at the sides and secured in place by concealed fasteners, with the overlapping panel lock forming a seam as a connecting point between the panels. This enables the connected panels to be used for building and roofing applications.

Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches ($2\frac{5}{8}$ ") when applied as a veneer.

String course means a decorative horizontal band on the exterior wall of a building, either plain or molded, and usually formed of brick or stone.

Stucco means traditional cementitious three-step hard coat stucco with a minimum thickness of seven eighths of an inch ($\frac{7}{8}$ "). It does not include Exterior Insulation Finishing Systems (EIFS) or synthetic stucco. See also Stucco, Integrally Colored.

Stucco, Integrally Colored means stucco which has color added to the cementitious stucco mixture prior to application to the wall surface and shall not be painted upon.

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

Tattoo parlor or *tattoo studio* means an establishment wherein permanent or semi-permanent markings, brands, body art, or tattoos are placed on the skin by a tattoo artist. The term ["tattoo parlor" or "tattoo studio"] does not mean an establishment which provides permanent cosmetic makeup application. Unless expressly stated otherwise herein, such words, terms and definitions shall have the meaning indicated in V.T.C.A., Health and Safety Code ch. 146, as amended and Title 25, Texas Administrative Code, Sec. 229.401—229.413, as amended. Owners and employees of such businesses shall comply with all of said provisions thereof, as amended.

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

Residential building means a building utilized for single-family detached, single-family attached, duplex or multifamily dwellings and accessory structures related to residential building.

Wrap-around design means land development projects where the active uses of building space, such as offices, retail stores, or apartments, envelop a parking structure at the interior of the development such that the parking structure is hidden entirely or partially from exterior view.

Window means any opening in a wall or roof which functions to admit light to a building or structure.”

Section 2. Appendix A, Article III, Division 2, of the Fulshear Code is hereby amended to read as follows:

“DIVISION 2. - DISTRICT REGULATIONS AND USE TABLE

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

(a) *Purpose.* The residential acreage (R1) District is intended to accommodate agricultural and very low-density single-family residential uses.

(b) *Uses permitted by right.* In the residential acreage (R1) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:

1. Single-family detached dwellings on single lots no smaller than one (1) acre;
2. Safety services; and
3. Public parks and recreational facilities.

(c) *Conditional uses.* The following uses of land, buildings, and structures are permitted in this District if they meet the conditional use standards outlined in section 1-224:

1. Agricultural uses;
2. Place of assembly;
3. Schools;
- 4.
5. Day care centers;
- 6.
- 7.
- 8.
- 9.
10. Library; and
11. Private Stable / Kennel.

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

1. Those accessory uses permitted under section 1-226;
2. Any structural or mechanical permitted use, and a use customarily incidental to the permitted use; and
3. Off-street parking attributable to the permitted use.
4. Home occupations provided the standards of Sec. 1-226(7) are met.

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

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

- (b) *Uses permitted by right.* In the residential lot (R2) District, no building, structures, or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:
 - (1) Single-family detached dwellings on single lots;
 - (2) Safety services; and
 - (3) Park and recreation facilities.

- (c) *Conditional uses.* The following uses of land and structure are conditional uses in this District and must meet the conditional use standards outlined in section 1-224:
 - (1) School;
 - (2) Day Care Center;
 - (3) Library; and
 - (4) Place of Assembly.

- (d) *Permitted accessory uses.* The following are permitted accessory uses:
 - (1) Those accessory uses permitted under section 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use;
 - (3) Off-street parking attributable to the permitted use; and
 - (4) Home occupations provided the standards of Sec. 1-226(7) are met.

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

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

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

- (3) Retail sales;
- (4) School;
- (5) Office;
- (6) Day care center;
- (7) Library
- (8) Place of assembly; and
- (9) Art gallery or museum.

(c) *Conditional Uses.* The following uses of land, buildings, and structures are permitted in this District if they meet the conditional use standards outlined in section 1-224:

- (1) Hospital;
- (2) Automobile repair; and
- (3) Commercial animal shelter, kennel, and/or veterinary office.

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

- (a) *Purpose.* The purpose of this District is to regulate those uses of the land and structures that involve the manufacturing, assembly, processing, storage, or distribution, sale, and repair of materials, goods, parts, products, equipment, machinery, other such operations incidental to Industrial uses, and Sexually Oriented Businesses, pursuant to V.T.C.A., Local Government Code Ch. 243 and as set forth herein.
- (b) *Uses permitted by right.* In the Industrial (I) District, no building, structure, or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this division:
 - (1) Automobile display or sales, repair garage, tire or seat cover shop;

- (2) Automobile used car sales;
 - (3) Carpentry, painting, plumbing, or tin smithing shop (including contractor's shop or storage);
 - (4) Manufacturing of saddles, other leather products, jewelry, draperies or interior decorations;
 - (5) Radio or television broadcasting stations or studios with on-site towers;
 - (6) Textile manufacturing;
 - (7) Wholesale distribution and warehousing—no outside storage;
 - (8) Accessory buildings and uses customarily associated with any of the above establishments to which they refer, except that they shall not be placed within any required setback; and
 - (9) Outdoor storage, mini-storage, self-storage, or facilities requiring the storage of goods or equipment outside (e.g. truck or van rentals, heavy equipment rentals, outdoor nurseries, etc.).
- (c) *Conditional Uses.* The following uses of land, buildings, and structures are permitted in this District if the conditional use standards outlined in section 1-224 are met:
- (1) Heavy industry;
 - (2) Alternative financial services;
 - (3) Gaming establishments;
 - (4) Hemp and cannabinoid oil sales;
 - (5) Pawn shops; and
 - (6) Tattoo parlors;
- (d) *Special Uses.* The following uses of land, buildings, and structures are permitted in this District if the special use standards outlined in section 1-225: Sexually Oriented Businesses.

Sec. 1-190. - Multifamily (MF) District regulations.

- (a) *Purpose.* This District allows medium to high density Multifamily dwellings and is intended to comprise larger tracts of land which provide total residential amenities such as open space, recreation space, and areas of protected off-street parking.
- (b) *Uses permitted by right.* In the Multifamily (MF) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:
 - (1) Single-family, detached dwellings on single lots;
 - (2) Multifamily dwellings;
 - (3) Safety services; and
 - (4) Parks and recreational facilities.
- (c) *Conditional Uses.* The following uses of land and structure are permitted in this District if they meet the conditional use standards outlined in section 1-224.
 - (1) School;
 - (2) Library;
 - (3) Hospital; and
 - (4) Day Care Center.
- (d) *Permitted accessory uses.* The following are permitted accessory uses:
 - (1) Those accessory uses permitted under section 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use;
 - (3) An accessory building necessary to store equipment for several dwelling units or provide service function for several dwelling units. No such accessory building shall be occupied as a place of abode. Any accessory building which is not a part of the main building shall be separated from the main building by a minimum of ten feet (10'); and
 - (4) Off-street parking attributable to the permitted use.
 - (5) Home occupations provided the standards of Sec. 1-226(7) are met.

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

- (a) *Purpose.* This District is intended to provide areas for public and semiprivate institutions, health care facilities and identify certain existing public and semipublic park and recreational areas as well as public land and facilities used for educational and governmental purposes.
- (b) *Uses permitted by right.* In the Community Facilities (CF) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division
 - (1) Public parks, open space, or other public area purchased or dedicated for recreational purposes;
 - (2) Except as provided herein, facilities of the government of the United States, State of Texas, or a political Subdivision thereof;
 - (3) Semipublic lands and facilities primarily used for providing recreational facilities or open space for residents of a particular residential Subdivision;
 - (4) Place of assembly;
 - (5) School;
 - (6) Hospital; and
 - (7) Library.
- (c) *Permitted accessory uses.* The following are permitted accessory uses:
 - (1) Those accessory uses permitted under section 1-226;
 - (2) Any structural or mechanical use customarily incidental to the permitted use; and
 - (3) Off-street parking attributable to the permitted use.

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

- (a) *Purpose.* The intent of the Planned Unit Development (PUD) District is to provide a flexible, alternative Zoning procedure to encourage innovative design for the unified and planned development of large tracts of land. The PUD District is designed to allow the development of integral land use units, such as residential developments of mixed housing types, retail centers, office parks, light Industrial parks, or any appropriate combination of these

uses, in a planned environment and developed and/or operated as a unified development.

- (b) *Uses permitted subject to Planned Unit Development site plan.* Deviation from the regulations established in this section applicable to particular uses may be permitted when the owner and developer demonstrate that adequate provisions have been made in the Planned Unit Development for sufficient light and air, that the density of the development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases, and that the public health, safety and general welfare will be protected. However, higher and more restrictive specific standards for use, density, height, lot area, setback, visual screens, landscaping, parking, sign control and open space may be adopted as part of the development site plan by a PUD District amending Ordinance.
- (c) *Length of Valid Approval.* All PUD development approvals shall be valid for a period of not more than two (2) years from the date of approval unless a phasing plan is presented at the time of approval.

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

- (a) *Purpose.* The Downtown (DD) District is intended to allow the development of a town center (a mixed-use traditional small town core) as outlined in the City comprehensive plan. The District will incorporate existing Commercial and institutional uses at the heart of the new town area and accommodate a variety of future neighborhood retail and community services, as well as housing.
- (b) *Uses permitted by right.* In the Downtown (DD) District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this division:
 - (1) Single-family, detached dwellings on single lots;
 - (2) Single-family townhouses on separate lots;
 - (3) Safety services;
 - (4) Parks and recreational facilities; and
 - (5) Office.
- (c) *Conditional uses.* The following uses of land and structures are permitted in this District if they meet the conditional use standards outlined in section 1-224.
 - (1) School;
 - (2) Retail sales;
 - (3) Hospital;
 - (4) Day Care Center;
 - (5) Eating and drinking places;
 - (6) Place of assembly;
 - (7) Automobile repair; and
 - (8) Commercial animal shelter, kennel, and/or veterinary office.
- (d) *Special Uses.* The following uses of land, buildings, and structures are permitted in this District if the special use standards outlined in Sec. 1-225: *Multi-Family Dwellings.*

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

- (1) Those accessory uses permitted under Sec. 1-226;
- (2) Any structural or mechanical use customarily incidental to the permitted use;
- (3) Off-street parking attributable to the permitted use; and
- (4) Home occupations provided the standards of Sec. 1-226(7) are met.

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

(a) *Purpose.* Manufactured Home Parks will meet the need for well-designed and operated areas for the leasing or temporary placement of Manufactured Homes. The Manufactured Housing Subdivision will allow for the design, construction and sale of lots specifically designed for manufactured housing units which will be permanently affixed to the ground by permanent foundations and connected to public utility services in a like manner as conventionally on-site constructed homes.

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

- (1) Manufactured Homes;
- (2) Manufactured Housing Park;
- (3) Manufactured Housing Subdivision;
- (4) Single-family detached dwellings on single lots;
- (5) Place of assembly;
- (6) Safety services; and
- (7) Park and recreation facilities.
- ()

(c) *Conditional uses.* The following uses of land and structure are special uses in this District and must meet the conditional use standards outlined in section 1-224:

- (1) School; and
- (2) Library.

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

- (1) Those accessory uses permitted under section 1-226;
- (2) Any structural or mechanical use customarily incidental to the permitted use;
- (3) Off-street parking attributable to the permitted use; and
- (4) Home occupations provided the standards of Sec. 1-226(7) are met.

Sec. 1-195. Prohibited Uses

All land uses that are not listed as either a permitted, conditional, or special use within a specific zoning district shall be prohibited within said zoning district unless City Staff deems the land use to be functionally similar to a permitted, conditional, or special use that may be approved.

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

An up-to-date land use table shall be maintained by City Staff and available upon request. The land uses listed above in sections 1-186 – 1-194 are legally controlling should any provision of this appendix conflict with any administratively created table.”

Section 3. Appendix A, Article IV, of the Fulshear Code is hereby amended to read as follows:

“ARTICLE IV. – CONDITIONAL AND SPECIAL USE REGULATIONS

Sec. 1-224. Conditional Use Standards.

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable conditional use standards of this section. Conditional uses are approved administratively by City Staff without the need of a permit being granted by either the Planning and Zoning Commission and/or the City Council. Unless otherwise indicated, the listed standards apply in all zoning districts where the use at issue is permitted as a Conditional Use.

a) *Agricultural Uses.*

1. When a property is located adjacent to a residential use:
 - a. No accessory vehicle service activity shall occur on site.
 - b. Visual screening shall be provided along all common sides and rear property lines. The screening shall consist of a landscaping strip at least four feet in width that provides a year-round visual barrier, and positioned directly adjacent to the adjoining property.
2. Any outdoor storage areas visible from a public right-of-way shall be enclosed by a solid masonry or concrete wall or a wood fence of sufficient height such that no stored materials or merchandise are visible above the top of the screening wall or fence from a public right-of-way.
3. Appropriate dust suppression measures shall be taken, such as containment or covering, when the outdoor storage involves materials likely to generate wind-blown dust that may affect adjacent properties.

b) *Alternative Financial Services.* Alternative financial services shall not be located within:

1. 1,000 feet of a site that contains another alternative financial service;
2. 200 feet of a property in a district in which a residential use is allowed or located;

3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

c) *Automobile Repair.*

1. All repair work and associated storage shall occur in an enclosed structure; and
2. In the Downtown District (DD) the use shall be located on an arterial or major thoroughfare street and on a parcel with a minimum lot size of 21,780 sq. ft.

d) *Commercial Animal Shelter, Kennel and/or Veterinary Office.*

1. A buffer strip of 10 feet with an opaque fence or wall is required along the property line of any residential district and adjacent to a public street;
2. The use is located at least 100 feet from all other residential districts or is sound attenuated such that the sound is not audible at the property line;
3. The run(s) may not be used after 9:00 p.m. or before 7:00 a.m.; and
4. In a multi-tenant building, ventilation systems shall control odors and allergens and prevent their circulation into other parts of the building.

e) *Day Care Center.*

1. The operator shall meet all the certification, licensing, and/or monitoring requirements of the State of Texas;
2. No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials;
3. All outdoor activities shall be located a minimum of 50 feet from any residential use and separated by 50 feet and a buffer strip of 10 feet from any other residential district; and
4. There is adequate space on-site for temporary parking and drop-off and pick-up during peak times.

f) *Eating and Drinking Places.*

1. All requirements of Chapter 4, *Alcoholic Beverages*, of the City's Code of Ordinances have been met should the business decide to engage in serving alcoholic drinks;

2. No outdoor storage is allowed on-site;
3. All beverage production activities shall be located within a completely enclosed building, and, in the DD district, designed with noise-resistant materials;
4. All by-products or waste from production of beverages shall be disposed of off-site;
5. Loading docks and service doors shall not be oriented or face a residentially zoned or used property; and
6. The use shall be separated from residential districts and uses by a buffer strip of 10 feet.

g) *Gaming Establishments*. Gaming establishments shall not be located on a site that is within:

1. 1,000 feet of a site that contains another gaming establishment;
2. 200 feet of a property in a district in which a residential use is allowed or located;
3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

h) *Heavy Industry*. For properties that adjoin a R1 or R2 Zoning District:

1. A minimum forty-foot (40') buffer strip shall be required.
2. A setback of 100 feet from any property line shall be required.

i) *Hemp and Cannabinoid Oil Sales*. Hemp and cannabinoid sales shall not be located on a site that is within:

1. 1,000 feet of a site that contains another location where hemp and cannabinoid sales is permitted;
2. 200 feet of a property in a district in which a residential use is allowed or located;
3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

j) *Hospital*.

1. Direct vehicular access shall be provided from a collector street, arterial street or highway; and
2. The use shall be separated from residential districts and uses by a buffer strip of 10 feet.

k) *Library.*

1. Off-street parking is prohibited on non-contiguous lots;
2. Expansion of the use meets the following criteria and standards:
 - a. The expansion will not encroach within 50 feet of a residential use or district;
 - b. A 10 feet buffer strip is required adjacent to all residential uses and districts; and
 - c. Vehicular access is taken from a collector street, arterial street or highway;
3. The use must be located in a permanent structure; and
4. The use is conducted such that it does not create parking or traffic congestion or unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.

l) *Pawn Shop.* Pawn shops shall not be located on a site that is within:

1. 1,000 feet of a site that contains another pawn shop;
2. 200 feet of a property in a district in which a residential use is allowed or located;
3. 300 feet of a place of assembly, school, or hospital; and
4. 500 feet of the right-of-way of FM 359 or FM 1093.

m) *Place of Assembly.*

1. Off-street parking is prohibited on non-contiguous lots;
2. Expansion of the use meets the following criteria and standards:
 - a. The expansion will not encroach within 50 feet of a residential use or district;
 - b. A 10 feet buffer strip is required adjacent to all residential uses and districts; and

- c. Vehicular access is taken from a collector street, arterial street or highway;
 - 3. The use must be located in a permanent structure; and
 - 4. The use is conducted such that it does not create parking or traffic congestion or unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.
- n) *Private Kennel / Stable*. For properties that adjoin a R1 or R2 Zoning District:
- 1. A minimum forty-foot (40') buffer strip shall be required.
 - 2. A setback of 100 feet from any property line shall be required.
- o) *Retail Sales*. The gross floor area of the principal use shall not exceed 17,000 square feet.
- p) *School*.
- 1. Off-street parking is prohibited on non-contiguous lots; and
 - 2. Vehicular access is taken from a collector street, arterial street, or highway.
- q) *Tattoo Parlor*. Tattoo parlors shall not be located on a site that is within:
- 1. 1,000 feet of a site that contains another tattoo parlor;
 - 2. 200 feet of a property in a district in which a residential use is allowed or located;
 - 3. 300 feet of a place of assembly, school, or hospital; and
 - 4. 500 feet of the right-of-way of FM 359 or FM 1093.

Sec. 1-225. - Special Use Standards.

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable special use standards of this section. Unless otherwise indicated, the listed standards apply in all Zoning Districts where the use at issue is permitted as a Conditional Use. For approval procedures of a special use permit see Sec. 1-283, *Special Use Permits*.

a) *Sexually Oriented Businesses*.

- 1. *Purpose*. It is the purpose of this subsection to regulate Sexually Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and

uniform regulations to prevent the concentration of Sexually Oriented Businesses within the City. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent, nor effect of this subsection to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

2. *Applicability.* This subsection shall apply to any of the following:
 - a. The opening or commencement of any Sexually Oriented Business as a new business;
 - b. The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business; or
 - c. The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business.
3. *Standards.* In no event shall usage of land, buildings, or structures for Sexually Oriented Businesses be approved unless they meet the following special use standards:
 - a. A Sexually Oriented Business shall be located at least one thousand feet (1000') from a place of assembly, a school, a child care facility, the boundary of a residential area, a public park, the property line of a lot devoted to residential uses, any building or structure in which alcoholic beverages are offered for sale, a hospital, public library, a recreational center, a public swimming pool, the boundary or any area zoned R1, C, R2, or another Sexually Oriented Business. Measurements for purposes of this subsection shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the church, school, day care center, or to the nearest boundary of an affected property line, public park, District, or to the closest exterior wall of another Sexually Oriented Business.
 - b. A Sexually Oriented Business lawfully operating under the terms of this subsection is not rendered in violation of this subsection by the subsequent location of a church, public or private elementary or secondary school, day care center, Public Park, area subsequently zoned R1 or R2, or subsequently put to residential use.

b) *Multi-Family Dwellings*. Within the Downtown District, Multi-family dwellings are only permitted through the Special Use Permit process. In determining whether to grant the special use permit, The City shall consider whether the proposed multi-family dwelling meets the following standards:

1. Specific provisions for parking and loading areas, driveways, lighting, signs, landscaping, buffering, and all other site improvements shall:
 - a. Meet or exceed the requirements within the City's Code of Ordinances; and
 - b. Be determined prior to the granting of a Special Use Permit through the site plan review process;
2. Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to any existing uses; and
3. The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, and/or other undesirable conditions.

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

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

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

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

- f. On-premises signs;
- g. Solar energy systems; and
- h. Other necessary and customary uses determined by the Chief Building Official or City Manager to be appropriate, incidental and subordinate to the principal use on the lot.

(5) *Model homes.*

- a. Notwithstanding any provision of this article, model homes may be constructed in a residential Subdivision after approval of the final plat and installation of all required improvements, subject to certain conditions. For the purposes of this article, the term "model home" shall be defined as a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the Subdivision and which will not be permanently occupied during its use as a model.
- b. Each Subdivision shall be limited to one (1) model home per twenty (20) platted and approved lots in the Subdivision or a maximum of four (4) model homes per development. Lots planned for future phases of development shall not be considered as platted lots. New model homes may be permitted and constructed following the sale of existing model homes.
- c. Construction of model homes may begin upon completion of all public improvements in the Subdivision. The model home may only be occupied for sales and display purposes upon completion of the street leading to the model home and for fifty feet (50') thereafter.
- d. The model home shall be used only for selling new homes within the Subdivision where the office has been established. The model homes will not be inhabited as dwellings and will only be used for display and sales purposes until after installation and acceptance of all required improvements in the Subdivision.
- e. All installations related to the sales activity (e.g., canopies, partition walls, signage, fencing, lighting, temporary parking and similar improvements) shall be converted to the approved residential use prior to occupancy as a residential structure. If the carport or garage has been converted to office space, it must be returned to a condition suitable for the parking of automobiles.
- f. Applicant shall post a five-thousand-dollar (\$5,000.00) bond, refundable deposit, or other form of surety per model home to guarantee conversion of any office/display area to the approved residential use and for removal of any exterior items such as temporary parking, fencing, lighting and signage.

- g. Applicant shall make application for a model home building permit which shall be subject to all applicable building, Subdivision, Zoning and all other codes in the same manner as any other residence. It shall also comply with all deed restrictions, drainage, and other construction plans of the given Subdivision.
 - h. Model home permits shall be valid for no longer than three (3) years or eighty percent (80%) development build out. Applicant may file a request for an extension upon a showing that the model home is still needed.
 - i. The application for a model home permit shall include a Statement in a form approved by the City attorney and signed by the applicant in which the applicant agrees to indemnify and hold harmless the City, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the construction and occupancy of the model home prior to construction of all required improvements and filing of the final plat.
 - j. Granting a model home permit in no way obligates the City to supply any utility or access to any model home until such utilities and roadways have been constructed and accepted by the City.
- (6) *Temporary sales trailers.* Temporary sales trailers are permitted in residential developments prior to the construction of a model home. Following the installation of the model home, temporary sales trailers shall be removed from the site. Temporary sales trailers may be permitted based on the following requirements being met:
- a. *Site plan.* A site plan indicating required parking, building location, required utilities, and other similar site features shall be submitted.
 - b. *Landscaping required.* Landscaping shall be installed in conformance with the landscaping requirements as indicated in section 1-165. A landscaping plan shall be submitted indicating the proposed layout of plantings and their maintenance.
 - c. *Utilities required.* Temporary sales trailers shall be supplied with all utilities, to include water, sewer, electricity, and telephone in order to facilitate the proper function of the trailer.
 - d. Restroom facilities are required within the trailer.
 - e. *Americans with Disabilities Act (ADA) compliance.* Temporary sales trailers shall meet all requirements of the ADA, including providing access ramps and accessible restroom facilities.
 - f. *Structural requirements.* All trailers shall be built to the requirements of the City Engineer and Chief Building Official with respect to foundation,

site placement, natural hazards mitigation, floodplain, and other requirements as necessary to ensure the safe conduct of business in the temporary sales trailer.

- g. *Permit required.* A temporary use permit shall be required. Permits shall be granted following review of staff and approval by the Planning and Zoning Commission and City Council. Permits shall be effective for a twelve (12) month period from the date of approval. No sales or other operation shall be allowed prior to approval. Following the permit period or construction of a model home, the sales trailer shall be removed from the site. The sales trailer shall not be used for any other purpose than general, site-specific sales and construction oversight and management. A twelve (12) month extension may be granted by the Planning and Zoning Commission and City Council.

(7) *Home Occupations.*

- a. The occupation shall be conducted entirely within the principal dwelling;
- b. Wholesale and retail sales are prohibited;
- c. Signage is not permitted to identify the home occupation;
- d. There shall be no visible storage of equipment, products, or materials on-site related to the home occupation;
- e. The use shall not create undue noise, vibration, or odors;
- f. The home occupation does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one-ton step-up vans, or similar-sized trucks that are less than seven tons gross vehicle weight;
- g. No persons other than the immediate family residing at the home may work at the home occupation;
- h. Parking needs generated by the home occupation are satisfied on-site; and
- i. The occupation must be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.

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

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

- (1) Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance;
 - (2) Provide an alternative for more efficient use of land, resulting in smaller networks of utilities, safer network of streets, promoting greater opportunities for public and private open space, and resulting in lower construction and maintenance costs to the general public;
 - (3) Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with the thoroughfare plan, and land use relationship with surrounding properties and the general area; and
 - (4) Require the application of professional planning and design techniques to achieve overall coordinated development, eliminating the negative impacts of unplanned and piecemeal development likely to result from rigid adherence to the Zoning classifications and standards found elsewhere in this article.
- (b) *Eligibility.* The foregoing general purposes and comprehensive plan elements, along with such standards provided in this article, shall guide in the determination of eligibility for PUD application.
- (c) *PUD designation procedure.* The process for the filing of an application, requirements for notice and advertisement of a PUD application and other related actions shall be the same as those provided for in the Zoning amendment process as described in section 1-279. In addition to the above, the applicant shall be governed by the following requirements:
- (1) *Pre-application conference.* Prior to submitting an application for approval of a PUD, the applicant or representative shall confer with the Chief Building Official. The applicant is encouraged to submit a tentative land use sketch for review and to obtain any information on any projected plans, programs or other matters that may affect the proposed development. This information should include the:
 - a. Proper relationship between the proposed development and surrounding uses, and the effect of the plan upon the comprehensive plan of the City;
 - b. Adequacy of existing and proposed streets, utilities, and other public facilities and services within the proposed planned development;
 - c. Character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living

conditions, to provide separations and screening between uses where desirable, and to preserve the natural amenities of streams, wooded areas, and similar natural features; and

- d. Adequacy of open space and recreation areas, existing and proposed, to serve the needs of the development.

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

- a. Ownership. All land included for purposes of development within a PUD District shall be owned by or be under the control of the applicant for such Zoning designation, whether the applicant is an individual, partnership, corporation, or group of individuals. The applicant shall present proof of the unified control of the entire area within the proposed PUD District.
- b. Legal description of the site accompanied by a map at a scale suitable for reproduction for advertising for a Public Hearing.
- c. Site conditions map or series of maps that shall indicate the following:
 - 1. Title of planned development and name of developer;
 - 2. Scale, date, north arrow, and general location map showing relationship of the site to external facilities such as highways;
 - 3. Boundary of the subject property;
 - 4. All existing streets, buildings, watercourses, easements, section lines, and other important features within the proposed project. The location and size, as appropriate, of all existing drainage, water, sewer, and other utility provisions, and information about existing vegetative cover.
- d. Concept plan at the same scale as the above site conditions maps which shall indicate:
 - 1. Sketch plan for pedestrian and vehicular circulation showing the general locations and rights-of-way widths

and the general design capacity of the system as well as access points to the major thoroughfare system;

2. A general plan for the use of lands within the PUD. Such plans shall indicate the location, function and extent of all components or units of the plan, including low-, medium-, and high-density residential areas (indicating the proposed density for each category), open space provisions, community-serving recreation or leisure facilities, and areas for public or quasi-public institutional uses such as schools, places of assembly and libraries;
 3. A statement indicating that proposed arrangements are made with the appropriate agencies for the provision of needed utilities to and within the planned development.
- e. A report shall be prepared in conjunction with the above material and shall include:
1. Total acreage involved in the project;
 2. The number of acres devoted to the various categories of land shown on the site development plan, along with the percentage of total acreage represented by each category of use and component of development, plus an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the planned development;
 3. The number and type of dwelling units involved for the overall site and for its components;
 4. A description of the projected service areas for nonresidential uses (e.g., neighborhood, community or regional);
 5. A statement or map indicating which streets and roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance and whether approval will be sought for private roads, if any, within the development;
 6. A statement or map on drainage which generally shows existing drainage conditions, wetlands, areas of frequent flooding, points of discharge from the project, and anticipated quantity of water generated from the development;

7. A statement which shall indicate the proposed method of governing the use, maintenance and continued protection of open space and community-serving facilities.
- f. Development schedule. The development site plan shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. A development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer, and all successors in interest. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may extend the development schedule or adopt such new development schedule as may be supported by the facts and circumstances of the case.
- (3) *Submission of a final PUD plan.* Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the Planning and Zoning Commission. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection (c)(2) of this section and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission.

Sec. 1-228. - Antennas and Towers.

(a) *Applicability.*

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

the requirements of this code other than the requirements of this code for grandfathered towers and antennas. Any towers or antennas that fail to meet the requirements of this code shall be referred to as "grandfathered towers" or "grandfathered antennas."

(b) *Guidelines and requirements.*

- (1) *Purpose.* The purpose of this subchapter is to establish rules and regulations for the site placement and maintenance of towers and antennas of the type as herein defined and set out. The goals of this chapter are to encourage and to provide for the location of towers in nonresidential areas and minimize the total number of towers throughout the community, and to encourage strongly the joint use of new and existing towers. In addition, it is the purpose of these regulations to encourage the use of towers and antennas to be located in areas where the adverse impact on the community is minimal and to encourage the user of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and to enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- (2) *Existing sites.* Each applicant for a tower permit shall provide the City Council an inventory of its existing towers, including specific information about the location, height and design of each tower. The City Council shall review the data and information as may be submitted, and all data submitted in conjunction with an application as herein provided shall be deemed a part of the open and public record.
- (3) *Location.* The guidelines set forth in this code shall govern the location of all towers and the installation of all antennas; provided, however, that the governing body may in its sole discretion provide other regulations or other requirements that accomplish the objectives of this code where it is found that the goals and purposes of this chapter and this code are better served by such exceptions.
- (4) *Requirements.* Towers shall either be constructed to maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray so as to reduce visual obtrusiveness.
- (5) *Design requirements.* At a tower site, the design of buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

- (c) *Installation of an antenna of a structure other than a tower.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) *Lighting of towers prohibited.* Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the City Council shall approve the design for lighting and the design must take into effect existing and contemplated uses of surrounding property and be configured in a way as to cause the least disturbance to the surrounding views.
- (e) *Federal and other governmental requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government or any other governmental entity with the authority to regulate towers and antennas. If the standards and regulations are changed, then the owners of the towers and antennas governed by this code shall bring the towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute an immediate and automatic revocation of the authority granted under this chapter and the City may require the removal of any tower antenna in noncompliance at the cost of the owners.
- (f) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the Building Codes of the City and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. The City, through the Chief Building Official or other persons so designated, may inspect towers and antennas at any time, and if the Chief Building Official finds and concludes that the tower or an antenna fails to comply with such codes and standards and/or constitutes a danger to persons or property, then the Chief Building Official, upon notice being provided to the owner of the tower, may order that the tower and antenna be brought into compliance with the codes and standards within a period not to exceed thirty (30) days. If the owner fails to bring the tower into compliance within thirty (30) days, the City Council may order the removal of the tower and antennas at the expense of the owner. In the event a removal is ordered, the City shall not assume any liability for the removal and shall be entitled to a lien upon the personal property, fixtures or real estate for the purpose of paying its cost incurred in the removal.

- (g) *Permit required.* With the exception of the specific exemptions found in subsection (a) of this section, no tower or antenna shall be constructed, erected or maintained in the City unless a permit, hereinafter referred to as a tower permit, shall have first been issued by the City Council for the placement, location and maintenance of the tower and antenna.
- (h) *Application and fees.* From time to time the City Council may adopt an application form or procedure for the issuance of a tower permit. In addition, the City Council may specify fees, costs and expenses that must be paid by the applicant as an application fee prior to the review or issuance of the tower permit. In the event the City Council shall fail to specify or provide for tower permit application or a procedure for the issuance of a tower permit, then the Chief Building Official is hereby directed to establish such procedure as shall be reasonable and necessary to accomplish the objectives of this code. The application fee approved by the City Council shall be in an amount sufficient to cover the cost incurred by the City in reviewing the application and material submitted by the applicant. In addition, prior to the issuance of any permit and as a condition for the issuance of a tower permit, the applicant shall pay any additional cost as may be incurred by the City, including but not limited to professional fees incurred in the review of any application.
- (i) *Requirements of an application.* Each application filed hereunder shall show and attach thereto all relevant documents showing compliance with all laws and regulations promulgated by the federal government, including laws and regulations relating to the FAA or the FCC or any other governmental entity. In addition, no authority granted under this code shall be deemed to have any final authority until an application for a building permit has finally been approved by the Chief Building Official of the City.
- (j) *Shortened Administrative Process.*
 - (1) The City Council recognizes that there are certain circumstances where a tower permit may be issued administratively by the Chief Building Official without review by the City Council, and in this regard the Chief Building Official is hereby directed and authorized to issue a tower permit as provided for under this chapter without referral to or review by the City Council. The applicant for a tower permit by administrative approval shall first comply with all other requirements of this code including making application on such form as may be from time to time provided by the City and paying the required fee. The authority herein granted to the Chief Building Official shall be deemed discretionary by the Chief Building Official and the Chief Building Official may decline to issue a tower permit administratively and may refer the application to the City Council for approval in accordance with the other provisions of this chapter.

- (2) The Chief Building Official may approve a tower permit administratively if it is found that one or more of the following conditions or circumstances shall exist:
- a. The proposed tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna, will be located in an Industrial or heavy Commercial District or area of town. An Industrial or heavy Commercial area is one that is separated from any platted lot of record that is in residential use or intended for residential use by at least one thousand feet (1,000') from the closest point of any lot platted or used for residential purposes or, in the case of non-platted property, one thousand feet (1,000') from any structure actually used for residential purposes. In measuring or determining any of the distances as herein provided, measurements should be taken from the closest point of the lot or structure to the base or structural point of the tower closest to the residential lot or residential structure.
 - b. The installation of an antenna is on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing nonresidential structure) that is at least fifty feet (50') in height or greater so long as the additional antenna adds no more than twenty feet (20') to the height of the existing structure.
 - c. The installation of an antenna is on an existing tower of any height so long as the addition of the antenna adds no more than twenty feet (20') to the height of the existing tower. The tower permit issued under this section shall not permit the placement of additional buildings or other supporting equipment used in connection with the antenna.
- (k) *General requirements for approval of an antenna tower or structure and the issuance of a tower permit.* The following general provisions shall govern the issuance of a tower permit and shall control all applications for a tower permit. Each applicant requesting a tower permit under this code shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, or other documentation signed and sealed by appropriate professional engineers showing the location and dimensions of the improvement, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assess compliance with this code, including such other and additional information as may be deemed necessary and required by the City Council.

- (l) *Factors in considering the granting of the permit.* The City Council shall consider the following factors in determining whether or not to issue a tower permit and such other factors as may be deemed appropriate and necessary in order to determine that the goals of the code are properly served:
 - (1) Height of the proposed tower;
 - (2) Proximity of the tower to residential structures and residential Districts; however, the City Council shall not approve any tower which is closer than one thousand feet (1,000') to any lot platted for residential use or from any structure in residential use;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Surrounding tree coverage and foliage;
 - (6) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obstructions;
 - (7) The availability of suitable and existing towers and other structures presently constructed which are suitable for antenna location; and
 - (8) The environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations concerning such emissions shall not be considered.

- (m) *Availability of suitable towers or other structures.* No new tower permit shall be issued unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna or tower may consist of any of the following.
 - (1) No existing towers or structures are located within the geographic area required to meet applicant's Engineer's requirements;
 - (2) Existing towers or structures are not of sufficient height to meet applicant's Engineer's requirements;
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures or

the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna;

- (5) The fees or costs required to share an existing antenna or structure which will be paid at the beginning of a sharing relationship or will be paid within one (1) year from the date of the inception of any sharing relationship exceed the cost of constructing a new tower;
 - (6) Property owner(s) of existing towers or structures are unwilling to accommodate reasonably the applicant's needs. The applicant must specify the reason for property owner(s) refusing to accommodate and submit satisfactory proof of non-accommodation, including documents evidencing appropriate financial tenders.
 - (7) The applicants demonstrate that there are other limiting factors that render existing towers and structures unsuitable.
- (n) *Setbacks.* The following setbacks and separation requirements shall apply to all towers and antennas for which a tower permit is required; provided, however, that the governing body may, in its discretion, provide for other or different regulations if it finds that the goals of this code are better served by such modifications.
- (1) Towers must be set back a distance equal to two hundred feet (200') from the nearest point to any lot platted for residential use or any structure in residential use. If the height of the antenna tower is deemed to be greater than five hundred feet (500'), then the setback as herein provided shall be three (3) times the height of the tower.
 - (2) Towers, guys and accessory facilities must be constructed in a way to avoid adverse impact upon adjoining properties and the uses thereof. In addition, all such structures and apparatus must be properly screened by a visual barrier or fence of a height not less than eight feet (8') and shall be appropriately marked.
 - (3) In all areas other than Industrial and heavy Commercial areas which are separated from lots platted for residential use or from structures in residential use by more than one thousand feet (1,000'), towers over ninety feet (90') in height shall not be located within one-quarter (1/4) mile from an existing tower that is over ninety feet (90') in height.
- (o) *Security.* In addition to the fencing requirements as herein set out, all fencing shall be locked and secured and shall be equipped with appropriate anti-climbing devices; provided, that if the City Council finds and determines that, because of natural barriers or the existence of other apparatus or conditions, this requirement is not necessary, the City Council may, in an appropriate case, modify the screening and fencing requirements as herein set out.

(p) *Landscaping.*

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

(2) The requirements as herein provided are:

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound. The applicant for a tower permit shall file with the City a landscape plan which shall be approved by the City Council in conjunction with any application filed in accordance herewith. In the case of an application for administrative approval, the requirements for a landscape plan may be approved by the Chief Building Official without City Council approval if a request for administrative approval is granted. It shall be the duty of the applicant to fully maintain any landscaping as herein provided as a condition for the maintenance of the permit; and

b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be deemed by the City Council to be a sufficient buffer.

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

(r) *Existing antennas and towers.*

(1) Any antenna or tower that would otherwise be subject to regulation under the terms and provisions of this code that had been

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

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

(s) *Applicant shall acquire no vested rights.*

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

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

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

Section 4. Appendix A, Section 1-283, of the Fulshear Code is hereby amended to read as follows:

Sec. 1-283. - Special Use Permits.

- (a) The City Council may by Ordinance grant a Special Use Permit for any land use in any zoning district provided that the special use is specifically authorized under this Ordinance. (See Article III, Division 2, *District Regulations and Use Table*). In granting a Special Use Permit, the City Council shall ensure that all required conditions necessary for the use to be lawful shall be complied with by the owner or grantee before a certificate of occupancy is issued by the building inspector, for use of the building on such property pursuant to such Special Use Permit and such conditions precedent to the granting of the certificate of occupancy.
- (b) All requests for Special Use Permits shall first be presented to the Planning and Zoning Commission, which shall hold Public Hearings thereon and consider them in accordance with subsection (c) of this section, and then make a recommendation to the City Council which shall also hold Public Hearings and shall approve, disapprove or approve the special use with conditions. Any additional approval requirements for a special use permit shall be to mitigate a concern directly related to subsection (c) of this section.
- (c) In addition to the specific requirements for a specific type of special use (See Sec. 1-225, *Special Use Standards*), Special Use Permits may not be granted unless the Planning and Zoning Commission makes written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the Special Use Permit will not:
 - 1. Be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located;
 - 2. Impair an adequate supply of light or air to adjacent property;
 - 3. Substantially increase the congestion in the public streets;
 - 4. Increase the danger of fire;
 - 5. Endanger the public health, safety and well-being; or
 - 6. Substantially diminish or impair property values within the neighborhood.
- (d) Every Special Use Permit granted under these provisions shall be considered as an amendment to the Ordinance that is only applicable to each property

that is granted the special use status. Granting a Special Use Permit shall not be considered as a permanent change in Zoning.

- (e) In the event the building, premises, or land uses under the Special Use Permit is voluntarily or involuntarily vacated or if the ownership is voluntarily or involuntarily transferred, or if such buildings, premises, or land is more than fifty percent (50%) destroyed by fire or other cause, the use of the same shall thereafter conform to the regulations of the original Zoning District of such property unless a new and separate Special Use Permit is granted for continuation of the use.
- (f) No building, premises, or land used under a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Special Use Permit is granted for such enlargement, modification, structural alteration, or change.
- (g) The following shall be submitted in connection with all applications for a Special Use Permit:
 1. *Ownership affidavit.* A Statement of ownership and control of the subject property and a Statement describing the nature of the intended use shall be submitted.
 2. *Vicinity map.* A general location map indicating the approximate location of the subject parcel shall be submitted.
 3. *Context map.* Twenty (20) full-size, twenty-four by thirty-six inches (24" × 36"), copies of a context plan shall be submitted; additional copies may be required. The map shall include the existing features within two hundred feet (200') of the proposed conditional use. Existing features include, but are not limited to, buildings, ingress and egress points, landscaping areas, pedestrian paths and property names.
 4. *Survey.* A survey prepared and stamped by a State registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel shall be submitted.
 5. *Compliance with the comprehensive plan.* A Statement indicating how the proposed development complies with the City's adopted comprehensive plan shall be submitted.
 6. *Site plan.* Twenty (20) full-size, twenty-four inches by thirty-six inches (24" × 36"), copies of the site plan are required to be submitted and shall be prepared and stamped by licensed and/or certified professionals including, but not limited to, architects, landscape architects, land planners, Engineers, surveyors, transportation Engineers or other professionals, deemed necessary by the City Manager or his designee for detailed elements that should be included on the site plan.

7. *Landscaping plan.* Twenty (20) full-size, twenty four inches by thirty six inches (24" × 36"), copies of a landscaping plan is required to be submitted and shall be prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, existing trees (in accordance with section 1-165), and showing compliance with the City's off-street parking requirements, the City's design guidelines and policies, and the requirements of the appropriate Zoning District.
8. *Grading and drainage plan.* Twenty (20) full-size, twenty-four inches by thirty-six inches (24" × 36"), copies of a grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage shall be submitted.
9. *Lighting plan.* A lighting plan shall be submitted which indicates the illumination of all interior areas and immediately adjoining streets showing the location, candlepower and type of lighting proposed. The lighting plan shall be in conformance with all applicable lighting standards of Fort Bend County.
10. *Elevations.* Twenty (20) full-size, twenty-four inches by thirty-six inches (24" × 36"), copies of elevations of all buildings, fences and other structures viewed from all sides indicating height of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials shall be submitted.
11. *Signage plan.* The Planning and Zoning Commission shall approve an overall signage plan during the specific use approval process. All information to be provided for the sign permit shall be submitted concurrent with the site plan application materials.
12. *Traffic impact study.* A traffic impact study, completed by a certified traffic Engineer, may be required if it is estimated by the City Engineer that the project could generate trips for any given time period in excess of five percent (5%) of the existing volume of traffic on adjacent street systems.
13. *Public notice.* Stamped and addressed business size envelopes (which do not include return addresses) to all owners of property located within three hundred feet (300') of the boundary of the proposed conditional use, as listed in the current county records, shall be submitted."

Section 5. **Penalty.** Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00), provided that if such rule,

ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. **Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. **Repeal.** All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. **Effective date.** This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the ____ day of _____, 2019.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

CITY OF FULSHEAR
Registration & Permit Department
Ph: (281) 346- 1796 fax: (281) 346-2556
30603 FM 1093 P.O. Box 279 Fulshear, TX 77441

PLATTING AND SUBDIVISION REVIEW

Plat, Plan or Other Item: Ordinance No. 2019-1314, an ordinance amending Special Use Permit policy

Planning Commission Review

Approved
 Returned for additional data

RECOMMEND APPROVAL WITH THE FOLLOWING CHANGES/CORRECTIONS -
(SEE BELOW)

BY: ANN PERINA DATE: 8 NOV 2019

City Council Review

Approved
 Returned for additional data

BY: _____ DATE: _____

COMMENTS/REQUESTED CHANGES BY P&Z:

1. MOVE "AGRICULTURAL USES" TO "CONDITIONAL USES" IN R1 DISTRICT
2. REMOVE "GROUP HOMES" LISTING IN ALL DISTRICTS AS THEY ARE ALREADY PROTECTED BY STATE & FEDERAL LAW. (WILL MOVE TO BE PART OF SINGLE-FAMILY DWELLING CATEGORY)
3. CHANGE ~~AND~~ ^{ALL} REMAINING REFERENCES TO "GROUP HOMES" TO READ "COMMUNITY HOMES"; AS "COMMUNITY HOME" HAS A LEGAL DEFINITION
4. MOVE "LIBRARY" TO "CONDITIONAL USE IN R1, R2, MF, DD
5. CHANGE ALL REFERENCES TO "PLACES OF WORSHIP" TO READ "PLACES OF ASSEMBLY" SOME WERE MISSED
6. MOVE "LIBRARY" AND "PLACES OF ASSEMBLY" IN R2 TO "CONDITIONAL USE
7. CLARIFY "SERVICES" THAT ARE DEFINED AS PART OF "OFFICE" DEFINITION VS. "SERVICES" INCLUDED IN "RETAIL SALES & SERVICE" THE "OFFICE" DEFINITION ALLOWS "SERVICES" AND MAY CONFUSE "BY RIGHT" AND "CONDITIONAL" USES IN THE DOWNTOWN DISTRICT.
8. CLARIFY/ADD APPROPRIATE ~~SPACES~~ "SPACING" AND "BUFFER STRIPS" BETWEEN CERTAIN BUSINESSES AND ZONES. I.E. "HEAVY INDUSTRY" REQUIRES A 40' BUFFER ZONE, BUT HAS NO SPACING RESTRICTION; PRIVATE KENNEL/STABLE HAS 100' DISTANCE REQUIREMENT

- 9 - SECTION 1-228 - ANTENNAS & TOWERS (b) GUIDELINES, PARA (3)
LIGHTING: TEXT DOES NOT FIT HEADING
- 10 - SECTION 4, SECT. 1-293, 6 (d) - CLARIFY STATEMENT ABOUT "~~THE~~ EVERY SUP. GRANTED" IS CONSIDERED AN AMENDMENT TO THIS ORDINANCE" - NEEDS CLARITY SO THAT PRECEDENCE DOESN'T ~~BECOME~~ BECOME AN ISSUE WHEN APPROVING SUPS.
- 11 - ADD VAPING VERBIAGE TO DEFINITION FOR "SMOKING PARAPHERNELIA ESTABLISHMENT"
- 12 - REVISIT MODEL HOME QUANTITY LIMITATIONS (4 MODEL LIMIT PER DEVELOPMENT)
- 13 - SECT. 1-228 - ANTENNAS & TOWERS, (a) APPLICABILITY LISTS EXEMPTIONS FROM THIS CODE, BUT IN A FOLLOWING SECTION, (b), (5), (g), IT STATES THAT "NO TOWER OR ANTENNA SHALL BE CONSTRUCTED" IN THE CITY WITHOUT A PERMIT.
- 14 - FIX TYPOS THROUGHOUT
- 15 - FIX FORMATTING & INDENTATIONS THROUGHOUT
- 16 - REVISED DRAFT OF THIS ORDINANCE - WITH CHANGES SUGGESTED BY P&Z - SHALL BE AVAILABLE TO ~~THE~~ P&Z MEMBERS AND CITY COUNCIL MEMBERS FOR REVIEW NO LATER THAN WEDNESDAY, NOV. 14TH.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: X.C.

**DATE
SUBMITTED:** 11/13/2019

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONSIDERATION AND ACTION TO AUTHORIZE WORK ORDER'S #8 AND #9 WITH KENDIG-KEAST COLLABORATIVE FOR THE COMPLETION OF THE COORDINATED DEVELOPMENT ORDINANCE AND TO BEGIN AN UPDATE TO THE CITY'S COMPREHENSIVE PLAN AND MAJOR THOROUGHFARE PLAN

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

These two work orders will allow Kendig-Keast Collaborative (KKC) to substantially complete the Coordinated Development Ordinance (CDO) and also begin an update to the City's Comprehensive Plan and Major Thoroughfare Plan. The Comprehensive Plan and Major Thoroughfare Plan were last updated in 2014.

The work order services through KKC are authorized by an On-Call Services Agreement executed on December 17, 2014 between the City of Fulshear and KKC.

Copies of the Work Orders and a graphic representing the Comprehensive Plan process are provided in this packet. Work Order #8 will provide a final draft of the CDO, training for staff on the new ordinances, as well as for the necessary public hearings, Ordinance Advisory Committee (OAC), Planning and Zoning Commission and City Council meetings necessary to finalize the CDO. Work Order #9 will begin the process of updating the City's Comprehensive Plan, of which the Major Thoroughfare Plan will be the first phase. Given the ever increasing amount of traffic and new development an update to the Major Thoroughfare Plan is needed to ensure connectivity, safety, and common sense road connections. Further, it's understood that the Major Thoroughfare Plan and the road network that results greatly influence the type and style of future development.

RECOMMENDATION

Staff recommends that Council authorize Work Order's 8 and 9 so Kending-Keast Collaborative may complete the CDO and begin an update of the City's Comprehensive Plan and Major Thoroughfare Plan.

ATTACHMENTS:

Description	Upload Date	Type
KKC Work Order #8	11/14/2019	Exhibit
KKC Work Order #9	11/14/2019	Exhibit

The On-Call Services Agreement between the City of Fulshear and Kendig Keast Collaborative, executed on December 17, 2014 provides for two forms of service, as authorized by the City through the On-Call Professional Services Agreement, including:

- **General On-Call Services**, which involve consultant personnel being available on an on-call, as-needed basis to provide general and/or ongoing technical planning assistance to City staff as particular needs emerge or evolve, including availability for periodic meeting attendance. The specific types of assistance may be only broadly defined and relatively open-ended at the outset of work, which is why the method of compensation is an hourly rate basis as described in the On-Call Professional Services Agreement. The City and consultant may mutually establish certain parameters for this services arrangement, such as a total cost target based on available budget or expected duration of the technical support role.
- **Work Order Services**, which involve more narrowly focused and clearly defined tasks for which a specific Scope of Services is prepared by the Consultant and approved by the Client after any mutually agreed revisions and prior to initiation of work. These services would result in one or more specified deliverables that are itemized and described in the Scope of Services, along with a definite number and type of meetings requiring consultant attendance and facilitation or other support, and a timeline and associated compensation for all work activities included in the Scope of Services. This services arrangement may involve completion of only one work order or could lead to a series of work authorizations, each of which is considered an amendment to the overall On-Call Professional Services Agreement. For work order services the method of compensation involves the City reimbursing the consultant for actual costs incurred in carrying out a particular Scope of Services, subject to an agreed upon maximum not-to-exceed amount indicated in the work order.

Work Order #8: PUBLIC HEARING DRAFT, FINAL CDO, AND STAFF TRAINING

Scope of Services:

The following Scope of Services will be undertaken as part of Work Order #8:

- 1.1 *Public Hearing Draft:* As part of Task 1.1, Kendig Keast Collaborative (KKC) shall:
- Create a consolidated Coordinated Development Ordinance (CDO) that combines the previous deliverables and the associated edits. This will be submitted as the Public Hearing Draft of the CDO.
 - Create a presentation that overviews the key features and summary of the key changes from the existing ordinances to the proposed CDO.
 - Publish the Public Hearing Draft on-line.
 - Present the Public Hearing Draft to the Ordinance Advisory Committee (OAC) for their final review and recommendation.
 - After the presentation to the OAC, there shall be a 30-day public comment period where members of the public may submit comments to both the Planning and Zoning Commission and the City Council requesting any additional edits.

Deliverable: Public Hearing Draft

Meeting: Ordinance Advisory Committee (OAC)

- 1.2 *City Staff Training:* As part of Task 1.2, Kendig Keast Collaborative (KKC) shall:
- Provide on-site training for members of the respective departments who, together, are responsible for application receipt, plan review, inspection, and enforcement, as well as zoning administration, and staffing of the Planning & Zoning Commission and other applicable meetings.
 - The on-site training shall include:
 - A detailed overview of the CDO, including its general principles, relationship to the Comprehensive Plan and other plans, and the specific provisions that are the responsibility of different staff and departments;
 - A “how to” work session for the review of applications; and
 - An overview of the procedures and processes of the CDO.

Meeting: City Staff Training Session

- 1.3 *Public Hearing(s):* As part of Task 1.3, Kendig Keast Collaborative (KKC) shall:
- Facilitate a joint work session with the Planning & Zoning Commission and City Council to overview the CDO and to identify warranted final modifications.
 - KKC will record all comments from the joint work session of the Planning & Zoning Commission and City Council and summarize them in a memorandum.
 - KKC will then provide a final round of revisions to produce a final CDO draft for consideration by the Planning and Zoning Commission and City Council. At this point, KKC is substantially complete with the CDO. Any further meetings, presentations, rounds of revisions or other requested services will be on an add-on basis.

Deliverable: Final CDO Draft

Meeting: Joint work session with the Planning & Zoning Commission and City Council

Work Order Compensation:

The total cost for KKC to execute the services as outlined above for this Work Order is **\$33,499**.

Work Orders #5 - #8 Total Coordinated Development Ordinance (CDO) Expenditures

The development of a complete and final version of the Coordinated Development Ordinance (CDO) is expected to occur through the completion of four separate work orders which are Work Orders #5 - #8 of the City's On-Call Professional Services Agreement. The following is a summary of the costs associated with each Work Order associated with the CDO, to date:

- Work Order #5: **\$46,857**
- Work Order #6: **\$97,900**
(Additional funds necessary to complete Interim Ordinance deliverables: **\$11,100**)
- Work Order #7: **\$51,254**
(Additional funds necessary to revise draft to be consistent with HB 2439 & HB 3167: **\$19,600**)
- Work Order #8: **\$33,499**

Total Revised Contract Total to Complete CDO Project via Work Orders #5 - #8: **\$229,510**

If you have any questions pertaining to the CDO and/or this Work Order, please contact David Baird, KKC Senior Associate, at (281)242-2960. KKC greatly appreciates the opportunity to work with the City through our On-Call Professional Services Agreement, and we look forward to our continued work with your City.

Respectfully,

KENDIG KEAST COLLABORATIVE



Bret C. Keast, AICP, CEO

APPROVAL OF WORK ORDER #8 AUTHORIZING THE USE OF \$33,499.00 TO FUND THE SERVICES PROVIDED HEREIN:

Signature

Typed Name and Title

Date Signed

The On-Call Services Agreement between the City of Fulshear and Kendig Keast Collaborative, executed on December 17, 2014, provides for two forms of service, as authorized by the City through the On-Call Professional Services Agreement, including:

- **General On-Call Services**, which involve consultant personnel being available on an on-call, as-needed basis to provide general and/or ongoing technical planning assistance to City staff as particular needs emerge or evolve, including availability for periodic meeting attendance. The specific types of assistance may be only broadly defined and relatively open-ended at the outset of work, which is why the method of compensation is an hourly rate basis as described in the On-Call Professional Services Agreement. The City and consultant may mutually establish certain parameters for this services arrangement, such as a total cost target based on available budget or expected duration of the technical support role.
- **Work Order Services**, which involve more narrowly focused and clearly defined tasks for which a specific Scope of Services is prepared by the Consultant and approved by the Client after any mutually agreed revisions and prior to initiation of work. These services would result in one or more specified deliverables that are itemized and described in the Scope of Services, along with a definite number and type of meetings requiring consultant attendance and facilitation or other support, and a timeline and associated compensation for all work activities included in the Scope of Services. This services arrangement may involve completion of only one work order or could lead to a series of work authorizations, each of which is considered an amendment to the overall On-Call Professional Services Agreement. For work order services the method of compensation involves the City reimbursing the consultant for actual costs incurred in carrying out a particular Scope of Services, subject to an agreed upon maximum not-to-exceed amount indicated in the work order.

Work Order #9: MAJOR THOROUGHFARE PLAN UPDATE

Scope of Services:

The following Scope of Services will be undertaken as part of Work Order #9:

As the lead consultant for the Major Thoroughfare Plan (MTP) adopted by the City in January 2015, KKC will work with City staff and a technical subconsultant to prepare an updated Thoroughfare Plan map for consideration by City officials, residents, area property owners and development community representatives, local businesses and institutions, and others. It is recognized that the MTP update is an immediate priority for the City given the pace of growth, land development, and change in the area.

1.1 *Task Start-Up and Engagement Plan.*

KKC will coordinate with City staff to establish a detailed task plan and timeline for executing this scope of services. This will include refinement of an outreach and engagement plan to obtain input to the MTP update, provide interim briefings during the process, and provide for informal "open house" style review and feedback opportunities prior to formal public hearings on the proposed new MTP. A particular consideration will be coordination with other ongoing City initiatives to avoid overlapping engagement efforts and "meeting fatigue." Necessary interaction with other external agencies and organizations will also be initiated early on and continue throughout the process, as appropriate.

Deliverable: Task timeline, including itemization and timing of planned engagement activities.

1.2 *Evaluate Current MTP.*

KKC and its technical subconsultant will work with City staff to assess the current MTP. This will include consideration of actual roadway alignment and improvement outcomes relative to the plan, and ongoing and newer trends that will factor into the updated MTP (e.g., actual and anticipated growth and development patterns, utility infrastructure planning and improvements, etc.). The team will also consider the latest plans for key projects such as the Westpark Tollway extension, FM 1093 improvements, and Texas Heritage Parkway. The MTP map coverage also must be extended into areas where the City's extraterritorial jurisdiction (ETJ) has expanded in recent years such as northward to the Interstate 10 vicinity. The MTP update will also be informed by other recent and relevant City plans/studies involving downtown and overall community connectivity, utility infrastructure, storm drainage, etc.

Deliverable: Brief memorandum itemizing and illustrating the Phase 1.2 findings.

Meeting(s):

- As identified through the Phase 1.1 outreach and engagement plan.
- First round of coordination meetings with Fort Bend County (Precinct 3 Commissioner Andy Meyers and County Engineer), Waller County (Precinct 4 Commissioner Justin Beckendorff and County Engineer), the Fort Bend County Toll Road Authority, Houston-Galveston Area Council, Texas Department of Transportation - Houston District, Katy and Lamar Consolidated Independent School Districts, area emergency responders, and other area jurisdictions, as appropriate.

1.3 *Prepare and Refine New MTP.*

KKC and its technical subconsultant will work with City staff to develop a working draft MTP map based on the Phase 1.2 findings, and building on preliminary work already completed by the City and other partners. Other considerations will include projected growth and land development activity, any changed physical conditions or other circumstances pertinent to the

map effort, and the related transportation planning of other entities (e.g., Fort Bend and Waller counties, Fort Bend County Toll Road Authority, Houston-Galveston Area Council, Texas Department of Transportation - Houston District, and other area jurisdictions, as appropriate). Specific thoroughfare planning considerations in this phase will include:

Network and Alignment Factors

- Continuity (arterials) versus discontinuity (collectors).
- Connectivity of network and origins/destinations.
- Spacing and density of network.
- Intersection location and spacing.
- Alternative travel and emergency response routes.
- Crossings (water, railroads, freeways, etc.).
- Grade separation needs.
- Multi-modal planning (pedestrian, bicycle, transit, freight, etc.).

Constraints

- Physical (floodplains, topography, water features, utility/pipeline corridors, etc.).
- Parcel pattern.
- Existing development.
- Environmental features / assets (e.g., forested areas, wetlands, etc.).
- Parkland and preserved open space.
- Jurisdictions (territorial, roadways, water features, etc.).
- Right-of-way potential (adequate width for eventual construction of full cross section to standard).
- Existing driveways and fronting development (access management needs).
- Fiscal (network cost implications, maintenance, cost of bridges and grade separations, etc.).

Land Use-Transportation Coordination

- Inducement of desired / undesired land use (future land use plan and zoning consistency).
- Consistency with utility master planning and growth management strategy.
- Potential traffic volumes.
- Location of major traffic generators.
- Location of "sensitive" land uses (e.g., residential, schools, parks, etc.).
- Emergency access (network connectivity).

KKC will also capture from the Phase 1.3 activities and discussions potential needed updates to the Future Land Use and Character map adopted in May 2014 as part of the City's Comprehensive Plan.

Deliverables:

- Working draft MTP map for ongoing review and refinement.
- Any recommended adjustments to cross section standards associated with the functional roadway classifications on the MTP.

Meeting(s):

- As identified through the Phase 1.1 outreach and engagement plan.
- Second round of coordination meetings with Fort Bend County (Precinct 3

Commissioner Andy Meyers and County Engineer), Waller County (Precinct 4 Commissioner Justin Beckendorff and County Engineer), the Fort Bend County Toll Road Authority, Houston-Galveston Area Council, Texas Department of Transportation - Houston District, Katy and Lamar Consolidated Independent School Districts, area emergency responders, and other area jurisdictions, as appropriate.

1.4 Present Updated MTP for Consideration of Adoption.

In coordination with City staff, KKC and its technical subconsultant will present the proposed new MTP at a public hearing before the Planning & Zoning Commission (PZC), and assist in responding to public comments and questions, as appropriate. The team will also assist staff with any Commission questions and discussion following the close of the hearing, and confirm any MTP revisions the Commission may suggest as part of making a recommendation of adoption to City Council. The team will do the same for the subsequent City Council public hearing, as appropriate, before Council considers MTP adoption.

Deliverables:

- Final proposed MTP for PZC public hearing.
- Final proposed MTP for City Council public hearing, reflecting any revisions suggested by the PZC as part of its recommendation of adoption.

Meeting(s):

- As identified through the Phase 1.1 outreach and engagement plan, including any pre-hearing outreach activities.
- PZC public hearing and recommendation to City Council.
- City Council public hearing and consideration of adoption.

Work Order Compensation:

The total cost for KKC to execute the services as outlined above for this Work Order is **\$75,000**.

If you have any questions pertaining to the CDO and/or this Work Order for the Major Thoroughfare Plan update, please contact David Baird, KKC Senior Associate, at (281)242-2960. KKC greatly appreciates the opportunity to work with the City through our On-Call Professional Services Agreement, and we look forward to our continued work with your City.

Respectfully,

KENDIG KEAST COLLABORATIVE



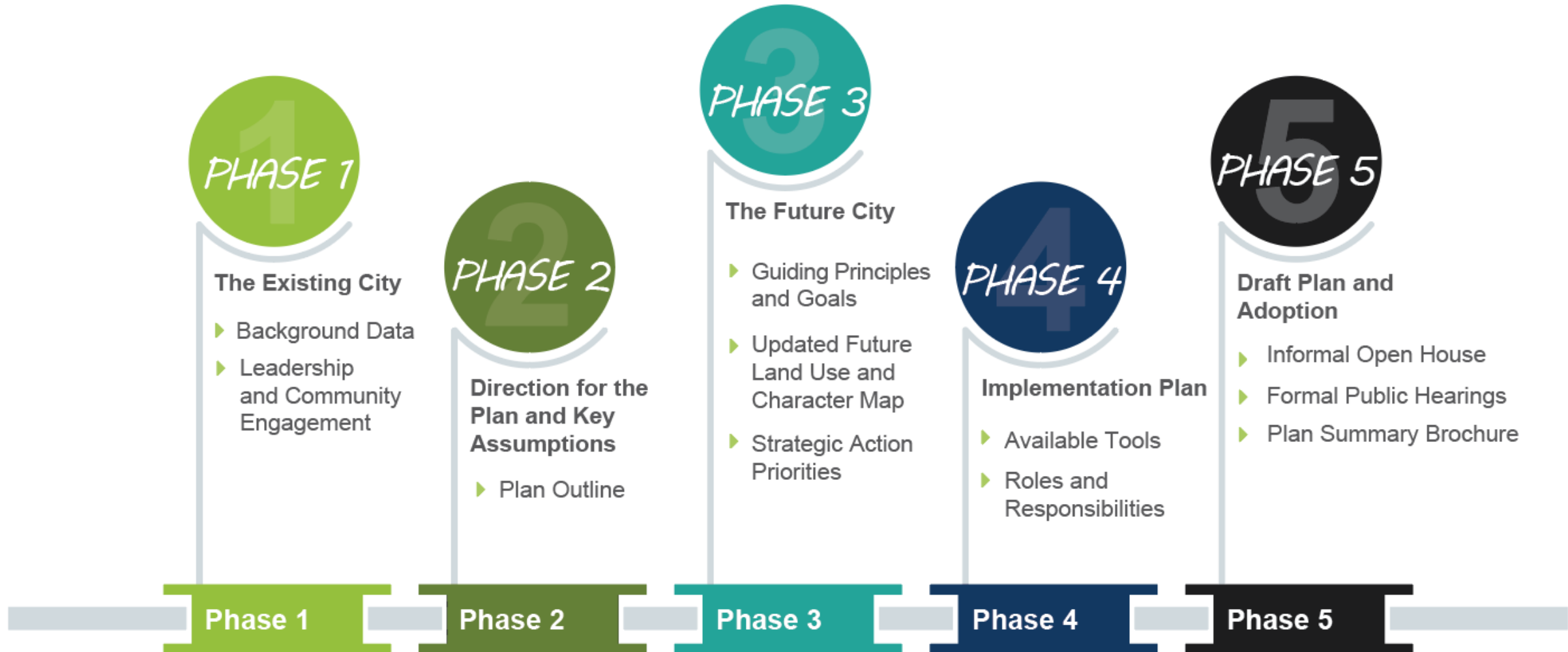
Bret C. Keast, AICP, CEO

APPROVAL OF WORK ORDER #9 AUTHORIZING THE USE OF \$75,000.00 TO FUND THE SERVICES PROVIDED HEREIN:

Signature

Typed Name and Title

Date Signed



**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: X.D.

**DATE
SUBMITTED:** 11/5/2019

DEPARTMENT: Administration

PREPARED BY: Kimberly Kopecky

PRESENTER: Kimberly Kopecky

SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2019-441, A RESOLUTION CASTING A BALLOT IN THE FORT BEND CENTRAL APPRAISAL DISTRICT 2020-2021 BOARD OF DIRECTORS ELECTION

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The letter from the Fort Bend Appraisal District and the ballot for 2020-2021 candidates has been attached for your consideration. The code states in Section 6.03 (k) the governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser before Monday, December 16, 2019.

RECOMMENDATION

Choose five (5) members for the available Board positions.

ATTACHMENTS:

Description	Upload Date	Type
Letter, Resolution, Ballot	11/5/2019	Backup Material



FORT BEND CENTRAL APPRAISAL DISTRICT

2801 B.F. Terry Blvd. Rosenberg, Texas 77471-5600
Phone (281) 344-8623 | Fax (281) 344-8632
www.fbcad.org

October 29, 2019

City Manager Jack M. Harper II
City of Fulshear
PO Box 279
Fulshear, TX 77441-0279

RE: 2020-2021 Election Ballot

Dear Sir or Madame:

Enclosed is the election ballot for the 2020-2021 Fort Bend Central Appraisal District Board of Directors Election. This year there are five (5) candidates for the five (5) board positions.

A signed copy of the board's resolution must be included with the ballot for the votes to be counted. The Chief Appraiser must receive submission of the ballot and the signed resolution no later than Monday December 16, 2019 since the deadline falls on the weekend. The code states in "*Section 6.03 (k) the governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15.*"

The five (5) candidates for the five (5) positions are:

Al Abramczyk –Currently serving the Appraisal District as a Board member & Financial Officer. He retired from the Oil & Gas industry, where he held a number of operating & staff positions. These included, among others, responsibility for budgets, planning, acquisitions & divestitures & Joint Venture investments. Since retirement, he has been active in the community, including serving as Chair of Sugar Land's Building Standards Commission & the City's Charter Commission, as well as in Task Forces updating the International Building Code & Rental Ordinance, and the creation of an Ethics Code. He has served as an officer & Board member of his Home Owner's Association, as well has in Rotary International. He also served as Chair of the Fort Bend Appraisal Review Board. He has been a resident of Fort Bend since 1995.

Pamiel J. Gaskin – Retired from KPMG, LLP, a Big 4 Accounting firm and from AT&T. Current Managing Partner of Think-IT Services, LLC a technology consulting firm providing Internal Audit and CIO Assist services. Mrs. Gaskin currently serves on the Missouri City Construction Board of Appeals and has been a licensed REALTOR for 20 years. She is the founding member of the Missouri City Chapter of Alpha Kappa Alpha Sorority, Inc. and served as the inaugural President of Julia F. Thompson, Inc., a charitable 501(c)(3) organization that has given over \$300,000 in scholarships to Fort Bend ISD students since 2003. Mrs. Gaskin has lived in Fort Bend County since 1976.

Jim Kij – Current Board Chairman, is a Business Development Manager and Facility Solutions Specialist. Activity involvement with the Fort Bend community includes Fort Bend YMCA, Exchange Club of Sugar

Land, Child Advocates of Fort Bend County and City of Sugar Land Mayor's Leadership Council. He has been a resident of Sugar Land since 1991.

Michael D. Rozell – Started his own company, Rozell Realty in 1987, after working in the gas and oil industry upon moving to Texas in 1974. Along with his extensive background in the real estate industry, he has a vast amount of political experience and business knowledge as a former Fort Bend County Judge and as Director of Economic Development for Harris County. He has served as a board member and president of Brazoria / Ft. Bend MUD #1 and served as a director/manager of the Baybrook MUD #1. He has always been active politically and within his community having served as President of Sugar Land Rotary, Pres. of Houston Realty Business Coalition, lifetime member of Houston Rodeo and Livestock Show, and has been a supporter of many other charities and organizations. He is currently serving as an HOA Neighborhood Representative for The Enclave. He has lived in Ft. Bend County for over 44 years with his wife, Barbara. Mike and Barbara are founding members of Sugar Land Baptist Church, are still very active member there, and has served as a deacon and in many other capacities.

Paul Stamatis – Current Vice Chairman, has a broad entrepreneurial background in designing, building and managing successful healthcare and real estate businesses. His deep experience as a world-class management consultant prepared him with the strategic planning and management capabilities necessary to create and deliver value to his partners. He is active with Boy Scouts of America, YMCA and Fort Bend Fellowship.

If you have any questions regarding this matter I can be contacted at 2801 B. F. Terry Blvd., Rosenberg, Texas 77471-5600 or by phone at 281-344-8623 extension 179.

Respectfully yours,



Jordan Wise, RPA
Chief Appraiser

RESOLUTION NO. 2019-441

RESOLUTION VOTING FOR DIRECTORS IN THE BOARD OF DIRECTORS ELECTION FOR THE FORT BEND CENTRAL APPRAISAL DISTRICT

WHEREAS, THE CITY OF FULSHEAR, TEXAS IS A TAXING UNIT LOCATED WITHIN FORT BEND COUNTY, AND

WHEREAS, THE FORT BEND CENTRAL APPRAISAL DISTRICT (THE APPRAISAL DISTRICT) IS RESPONSIBLE FOR THE APPRAISAL OF ALL TAXABLE PROPERTY WITHIN THE DISTRICT, AND

WHEREAS, THE CITY OF FULSHEAR, TEXAS CURRENTLY IMPOSES TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES AND PARTICIPATES IN THE APPRAISAL DISTRICT; AND

WHEREAS, THE CITY OF FULSHEAR, TEXAS HAS RECEIVED A BALLOT FROM THE APPRAISAL DISTRICT WHICH CONTAINS THE CANDIDATES FOR THE BOARD OF DIRECTORS OF THE APPRAISAL DISTRICT; AND

WHEREAS, THE CITY OF FULSHEAR, TEXAS IS ENTITLED TO VOTE IN THE APPRAISAL DISTRICT'S BOARD OF DIRECTORS' ELECTION AND DESIRES TO VOTE IN SAID ELECTION;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FULSHEAR, TEXAS THAT;

SECTION 6.03 OF THE TEXAS PROPERTY TAX CODE REQUIRES FIVE DIRECTORS TO BE APPOINTED BY THE TAXING UNITS THAT PARTICIPATE IN THE DISTRICT. MEMBERS OF THE BOARD OF DIRECTORS OTHER THAN A COUNTY ASSESSOR-COLLECTOR SERVING A NON-VOTING DIRECTOR SERVE TWO YEAR TERMS BEGINNING ON JANUARY 1 OF EVEN-NUMBERED YEARS. THE CANDIDATES LISTED BELOW WERE DULY NOMINATED BY THE VOTING GOVERNING BODIES AND NOW STAND FOR ELECTION FOR THE FIVE (5) POSITIONS.

THE FIVE CANDIDATES NOMINATED BY THE CITY OF FULSHEAR ARE AS FOLLOWS:

1. _____
2. _____
3. _____
4. _____
5. _____

PASSED AND APPROVED THIS 19TH DAY OF NOVEMBER 2019.

AARON GROFF, MAYOR

ATTEST:

KIMBERLY KOPECKY, CITY SECRETARY

Election Ballot

2020-2021 Board of Directors Fort Bend Central Appraisal District

Jurisdiction:

City of Fulshear

Total Voting Entitlement:

5

Section 6.03 of the Texas Property Tax Code requires five directors to be appointed by the taxing units that participate in the district as provided by this section. Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

The candidates listed below were duly nominated by the voting governing bodies and now stand for election for the five (5) positions. Only one ballot per entity may be submitted.

Candidate:

Votes Cast:

Al Abramczyk

Pam Gaskin

Jim Kij

Michael D. Rozell

Paul Stamatis

Cast your votes for the candidate(s) of your choice and return the ballot along with a signed resolution of the board vote, to the Fort Bend Central Appraisal District by Monday, December 16, 2019.

Section 6.03

“(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.”

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019 **ITEMS:** X.E.

DATE SUBMITTED: 10/1/2019 **DEPARTMENT:** Public Works

PREPARED BY: Sharon Valiante, Public Works Director **PRESENTER:** Sharon Valiante, Public Works Dir;
Brant Gary, Asst. City Manager;
Wes Vela, Finance Director

SUBJECT: CONSIDERATION AND POSSIBLE ACTION FOR APPROVAL OF ORDINANCE NO. 2019-1303, SOLID WASTE RATES

Expenditure Required: N/A

Amount Budgeted: N/A

Funding Account: N/A

Additional Appropriation Required: N/A

Funding Account: N/A

EXECUTIVE SUMMARY

The City's solid waste (sanitation services) contract expired in April 2019. The provider, WCA, agreed to provide services at the adopted rates outlined in the First Amendment to Residential Solid Waste Collection Contract Dated April 18, 2017 between the City of Fulshear and WCA until the City awarded a new contract for Solid Waste (Sanitation) Services. City staff solicited proposals in May 2019, received proposals for consideration in late June 2019. Staff negotiated rates with lowest responsible vendor, WCA, Waste Corporation of America. The proposed rates are outlined in Ordinance 19-1303, which is presented for consideration and approval.

A brief summary of the rates include:

1. Residential Rates: \$10.61 plus tax per account/month; 1x/week
2. Recycle - Residential Rates: \$4.91 plus tax per account/month; 1x/week (for those that do not opt out);
3. Replacement carts = \$70 per cart (one-time fee)
4. Additional Carts = \$95.00 per cart (one-time fee)
5. Recycle Opt-Outs must notify City
6. Administrative fee = \$3.00 plus tax per account/month
6. Commercial rates - Businesses, multi-family and industrial; rate table within Ordinance; Opt-In criteria for Recycling Commercial

NOTE: City Council passed a FY 202 budget to reduce residential solid waste rates to not more than \$1.00

RECOMMENDATION

Approve Ordinance 2019-1303, setting solid waste collection services rates and charges.

ATTACHMENTS:

Description	Upload Date	Type
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**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: X.F.

**DATE
SUBMITTED:** 9/30/2019

DEPARTMENT: Public Works

PREPARED BY: Sharon Valiante/Wes Vela

PRESENTER: Sharon Valiante/Wes Vela

SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT WITH WASTE CORPORATION OF AMERICA (WCA) FOR SOLID WASTE SERVICES

Expenditure Required: \$1,020,000

Amount Budgeted: 1,020,000

Funding Account: 100-5-000-5461-01

Additional Appropriation Required: NA

Funding Account: NA

EXECUTIVE SUMMARY

The City's contract with Waste Corporation of America, Inc. (WCA) for Solid Waste Services expired in April 2019, however, the City and WCA mutually agreed to continue services on a month to month basis until the City could solicit proposals and put a new contract in place with the most responsible proposal. City staff prepared a Request for Qualifications/Proposals and advertised for submittals on May 28, 2019 and on June 04, 2019. Proposals were received on June 21, 2019. Two vendors submitted, WCA and Texas Pride Disposal, both of Houston, TX. A No Bid was received from Waste Management. The following outlines the basis for the recommendation of award:

1. Residential Pricing New Rates - The blended rate for residential services negotiated with WCA for Solid Waste and Recycling Services proposed is \$15.52/month, (an increase of \$0.62/month over the previous year's rate of \$14.90/month); the analysis of the rates show that the both the solid waste and recycle services increased, with the majority of the increase in the solid waste services.
2. Roll-Off Container Pricing - As shown in Exhibit A, the prices for Roll-Off Containers are proposed to include additional sizes to allow for better services. The analysis of the rate schedule shows an overall decrease in the rates for various sizes.
3. Commercial Container Pricing – As shown in Exhibit A, prices for the Commercial Containers have been expanded to offer multiple sizes and 1 to 5 times per week pick-ups. Proposed rates show a decrease.
4. Optional Debris Removal/Processing – included in proposed rates for City use if necessary, for emergency management purposes.
5. Contract Award Term – The proposed term for the services requested is a 3-year term with an option to renew for 2 (two) additional 2-year terms.
6. Franchise Fee – 5%

The Contract award is proposed for implementation as of October 1, 2019 for the start of the FY 2020 budget.

RECOMMENDATION

Council authorize the City Manager to execute a Contract with Waste Corporation of America (WCA) to provide

Solid Waste Services (Sanitation Services) for a period of 3-years, with an additional two (2), 2-year terms as an option for renewal.

ATTACHMENTS:

Description	Upload Date	Type
General Services Contract - WCA	10/10/2019	Backup Material



The City of Fulshear

GENERAL SERVICES CONTRACT

Revised 10/10/2019

This General Services Contract (Contract) is made between the City of Fulshear, Texas (City), and Contractor. The City and Contractor agree to the terms and conditions of this Contract, which consists of the following parts:

- I. Summary of Contract Terms
- II. Signatures
- III. Standard Contractual Provisions
- IV. Special Terms and Conditions
- V. Additional Contract Documents

I. Summary of Contract Terms.

Contractor: Waste Corporation of American (WCA)

Description of Services: Solid Waste Collection and Disposal

Annual Base Service: See Exhibit A

Length of Contract: 3 years, additional 2 – 2 Year options

Repairs/Additional Work in addition to Base Contract Price: _____

Effective Date: October 1, 2019

Termination Date: October 1, 2022; if renewed at additional terms = October 1, 2024; October 2026

Renewal: Automatic Annual Renewal

II. Signatures. By signing below, the parties agree to the terms of this Contract:

CITY OF FULSHEAR: *

CONTRACTOR:

By: _____

Signed by: Date: _____

Title: _____

____ City Manager or Assistant City Manager

____ Department Head

Date: _____

*Contract Signature Authority:

Department Heads -\$4,999 or less

City Manager or Assistant City Manager - \$5,000 to \$50,000, or by City Council Authorization

III. Standard Contractual Provision.

A. Definitions.

Contract means this General Services Contract.

Services means the services for which the City solicited bids or received proposals as described in this Contract.

B. Services and Payment. Contractor will furnish Services to the City in accordance with the terms and conditions specified in this Contract. Contractor will bill the City for the Services provided at intervals of at least 30 days, except for the final billing. The City shall pay Contractor for the Services in accordance with the terms of this Contract, but all payments to be made by the City to Contractor, including the time of payment and the payment of interest on overdue amounts, are subject to the applicable provisions of Chapter 2251 of the Government Code. The City is not liable to the Contractor for any taxes which the City is not liable by law, including state, local, or use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes shall not be added to any invoice.

C. Termination Provisions.

- (1) *City Termination for Convenience.* Under the paragraph, the City may terminate this Contract during its term at any time for the City's own convenience where the Contractor is not in default by giving written notice to Contractor. If the City terminated this Contract under this paragraph, the City will pay the Contractor for all services rendered in accordance with this Contract to the date of termination.
- (2) *Termination for Default.* Either party to this Contract may terminate this Contract as provided in this paragraph if the other party fails to comply with its terms. The party alleging the default will give the other party notice of the default in writing citing the terms of the Contract that have been breached and what action the defaulting party must take to cure the default, which the alleged defaulting party shall be given not less than sixty (60) days to cure the default as specified in the notice. If the party in default fails to cure the default as specified in the notice, the party giving the notice of default may terminate this Contract by written notice to the other party, specifying the date of termination. Termination of the Contract under this paragraph does not affect the right of either party to seek remedies for breach of the Contract as allowed by law, including any damages or costs suffered by either party.
- (3) *Multi-Year Contracts and Funding.* If this Contract extends beyond the City's fiscal year in which it becomes effective or provides for the City to make any payment during any of the City's fiscal years following the City's fiscal year in which this Contract becomes effective and the City fails to appropriate funds to make any required Contract payment for that successive fiscal year and there are no funds from the City's sale of debt instruments to make the required payment, then this Contract automatically terminates at the beginning of the first day of the City's successive fiscal year of the Contract for which the City has not appropriated funds or otherwise provided for funds to make a required payment under the contract. (Section 5, Article XI, Texas Constitution)
- (4) Unless terminated earlier as referenced above, this Contract terminates on the termination date or the expiration of any renewal period as provided for herein. This Contract shall automatically renew for the renewal period herein above provided, if any, unless either party gives the other party notice of termination not later than sixty (60) days prior to the termination date or the expiration of the current renewal period, as applicable but the obligation of a party to complete a contract requirement pending on the date of termination survives termination; or if there is no termination date specified the Contract terminates when both parties have completed all their respective obligations under the Contract.

D. Liability and Indemnity. Any provision of any attached contract document that limits the Contractor's liability to the City or releases the Contractor from liability to the City for actual or compensatory damages, loss, or costs arising from the performance of this Contract or that provides for contractual indemnity by one party to the other party to this Contract is not applicable or effective and is void and unenforceable under this Contract. Except where an Additional Contract Document provided by the City provides otherwise, each party to this Contract is responsible for defending against and liable for paying any claim, suit, or judgment for damages, loss, or costs arising from that party's negligent

acts or omissions in the performance of this Contract in accordance with applicable law. This provision does not affect the right of either party to this contract who is sued by a third party of acts or omissions arising from this Contract to bring in the other party to this Contract as a third-party defendant as allowed by law.

- E. Assignment. The Contractor shall not assign this Contract without the prior written consent of the City.
- F. Law Governing and Venue. This Contract is governed by the law of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Fort Bend County, Texas without regard to choose of venue provisions
- G. Entire Contract. This Contract represents the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both parties.
- H. Independent Contractor. Contractor shall perform the work under this Contract as an independent contractor and not as an employee of the City. The City has not right to supervise, direct, or control the Contractor or Contractor's officers or employees in the means, methods, or details of the work to be performed by Contractor under this Contract. The City and Contractor agree that the work performed under this Contract is not inherently dangerous, that Contractor will perform the work in a competent manner, and that Contractor will take proper care and precautions to insure the safety of Contractor's officers and employees.
- I. Dispute Resolution Procedures. The Contractor and City desire an expeditious means to resolve any disputes that may arise between them regarding this Contract. If either party disputes any matter relating to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees.
- J. Attorney's Fees. Should either party to this Contract sue the other party for breach of contract or for any other cause relating to this Contract, neither party will seek or be entitled to an award of attorney's fees or other costs relating to the suit.
- K. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the parties.
- L. Contractual Limitations Period. Any provision of the Contract that establishes a limitations period that does not run against the City by law or that is shorter than two years is void. (Sections 16.061 and 16.070, Texas Civil Practice and Remedies Code)
- M. Conflicting Provisions. If there is a conflict between a provision in the Contractor's Additional Contract Documents and a provision in the remainder of this Contract, the latter controls.
- N. Copyright. Any original work (the Work), including any picture, video, music, brochure, writing, trademark, logo or other work created by the Contractor for the use of the City under this Contract is a "work made for hire," as defined by federal copyright law. If the Work is not by law a "work made for hire," the Contractor by execution of this Contract assigns to the City all of its rights to the Work, including the copyright. The City, as the author and owner of the copyright to the Work, may alter, reproduce, distribute, or make any other use of the Work, as it deems appropriate.

***IV. Special Terms or Conditions:
General Specifications
Modification of Rates***

**SECTION II:
GENERAL SPECIFICATIONS**

1.0. DEFINITIONS


- 1.01.1 Automated Collection: Special trucks, equipped with a mechanical/robotic arm that lifts and empties collection carts.
- 1.02 Bags: Plastic sacks, designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed thirty-five (35) pounds. [All bags must be placed inside the Polycart provided by Contractor.]
- 1.03 Bin (Commercial/Industrial): Metal receptacle designed to be lifted and emptied mechanically for use only at Commercial and Industrial Units.
- 1.04 Brush: Plants or grass clippings, leaves or tree trimmings.
- 1.05 Bulky Wastes: Stoves, refrigerators which have CFC's removed by a certified technician, water tanks, washing machines, furniture, loose brush greater than four (4) inches in diameter that cannot be bundled in four (4) foot lengths and weights more than 50 lbs., and other waste materials other than construction debris, dead animals, hazardous waste, or stable matter with weights or volumes greater than those allowed for containers.
- 1.06 Bundle: Tree, shrub and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding four (4) feet in length, four (4) inches in diameter, or 50 lbs. in weight. Total amount of "bundled" material set out for collection each week (per home) shall not exceed two (2) cubic yards (6' x 3' x3').
- 1.07 City: The City of Fulshear.
- 1.08 Commercial and Industrial Refuse: All bulky waste, construction debris, garbage, rubbish and stable matter generated by a customer at a commercial and industrial unit.
- 1.09 Commercial and Industrial Unit: All premises, locations or entities, public or private, requiring refuse collection within the corporate limits of the City, not a residential unit.
- 1.10 Commercial Hand Collect Unit: A retail or light commercial type of business, which generates no more than one (1) cubic yard of refuse per week.
- 1.11 Commodity: Material that can be sold in a spot or future market for processing and use or reuse.
- 1.12 Commodity Buyer: A buyer or processor selected by Contractor pursuant to the contract documents, of recyclable materials delivered by Contractor.
- 1.13 Construction Debris: Waste building materials resulting from construction, remodeling, repair, or demolition operations.
- 1.14 Contract Documents: The Request for Proposals, instruction to Contractors, Contractor's proposal, general specifications, the contract performance bond, and any addenda or changes to the foregoing document agreed to by the City and Contractor, and Contract signed by Contractor and City.



- 1.15 Container (Refuse): A receptacle with a capacity of at least 18 - 20 gallons but less than 35 gallons constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting. The mouth of a container shall have a diameter greater than or equal to that of the base.
- 1.16 Contractor: Such private firm designated by the City for the collection, transportation, and/or disposal of the solid waste and recyclable materials collection and processing.
- 1.17 Customer: An occupant of a Residential, Commercial Hand Collect, Commercial or Industrial Unit who generates Refuse.
- 1.18 Dead animals: Animals or portions thereof equal to or greater than ten (10) pounds in weight than have expired from any cause except those slaughtered or killed for human use.
- 1.19 Disposal site: See Landfill (Sanitary).
- 1.20 Garbage: Any and all dead animals of less than 10 lbs. In weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter/ that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except (in all cases) any matter included in the definition of Bulky Waste, Construction Debris, Dead Animals, Hazardous Waste, Rubbish or Stable Matter.
- 1.21 Green Waste: Grass, leaves, tree trimmings, branches, tree trunks, and other items derived from plants.
- 1.22 Hazardous Waste: Solid wastes regulated as hazardous under the Resource Conservation and Recovery Act, 42 U.S.C. Section 1002, et seq., or regulated as toxic under the Toxic Substances Control Act, 15 U.S.C.A. Section 2601 et seq., regulations promulgated hereunder or applicable state law concerning the regulation of hazardous or toxic wastes.
- 1.23 Landfill (Sanitary): A facility used by Contractor where trash and garbage are disposed of by burying between layers of earth.
- 1.24 Premises: All public and private establishments, including individual residences, all multi-family dwellings, residential care facilities, hospitals, schools, businesses, other buildings, and all vacant lots.
- 1.25 Polycart: A rubber-wheeled receptacle with a maximum capacity of 35 - 95 gallons constructed of plastic, metal and/or fiberglass, designed for automated or semi-automated solid waste collection systems, and having a tight-fitting lid capable of preventing entrance into the container by small animals. The weight of a Polycart and its contents shall not exceed 175 lbs. Polycarts will be provided to each Residential Unit and Commercial Hand Collect unit, with ownership retained by Contractor.
- 1.26 Recyclable Materials: Commodities collected by the Contractor pursuant to the contract documents, which can be sold in a spot or future market for processing and use or reuse including, but not limited to, newsprint, magazines, plastic (PE and HDPE) bottles, glass containers, aluminum cans and metal (tin) cans.
- 1.27 Recycle Rebate: Amount Contractor provides to City as profit sharing program from recyclable materials.



- 1.28 Refuse: Residential Refuse and Bulky Waste, Construction Debris and Stable Matter generated at a Residential Unit, unless the context otherwise requires, and Commercial and Industrial Refuse.
- 1.29 Residential Garbage: All Garbage and Rubbish generated by a Customer at a Residential Unit.
- 1.30 Residential Household Hazardous Waste Program: scheduled pickup for a single site or semi-annual pickup of hazardous waste.
- 1.31 Residential Unit: A dwelling within the corporate limits of the City occupied by a person or group of persons comprising not more than four families. A Residential Unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of four units, shall be treated as a Residential Unit, except that each single-family dwelling within any such Residential Unit shall be billed separately as a Residential Unit.
- 1.32 Rubbish: Non-putrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, used or scrap tires, and similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and the like materials which will not burn at ordinary incinerator temperatures (1600 degrees Fahrenheit to 1800 degrees Fahrenheit).
- 1.32 Special Waste: Waste, from a non-residential source, meeting any of the following descriptions: (A) A containerized waste (e.g. a drum, barrel, portable tank, box, pail, etc.), (B) A waste transported in bulk tanker, (C) A liquid waste, (D) A sludge waste, (E) A waste from an industrial process, (F) A waste from a pollution control process, (G) Residue and debris from the cleanup of a spill or release of chemical
- 1.33 Solid Waste: All non-hazardous (as defined by CERCLA and other applicable laws) and non-special (See Special Waste definition) solid waste material including unwanted or discarded waste material in a solid or semi solid waste, including but not limited to, garbage, ashes, refuse, rubbish, yard waste (including brush, tree trimmings and Christmas trees), discarded appliances, home furniture and furnishings, provided that such material must be of the type and consistency to be lawfully accepted at the Sanitary Landfill under the applicable federal, state and local laws, regulations and permits governing each.
- 1.34 Stable Matter: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry, or livestock.
- 1.35 Unusual accumulated: (a) For residences, each regular collection more-than six (6) containers of garbage, or the equivalent; (b) for commercial establishments accumulations that would not occur in the ordinary course of business; and (c) materials judged by the Sanitarian to be hazardous such as oil, acid, or caustic materials.



2.00 TYPES OF COLLECTION

- 2.01 Residential Collection: At the premises of residential accounts held by the City and served by the Contractor, collection, including recyclables shall occur a minimum of once weekly, provided, that: (i) such Municipal Solid Waste is placed in a Polycart provided by the Contractor, (ii) recyclables are placed in a recycle bin or Polycart provided by the contractor and (iii) such Polycarts and/or bins are placed within five (5) feet of the curbside or right of way adjacent to the Residential Unit, unless otherwise specified. Further, Contractor shall provide City a copy of maps indicating the routes used in the collection of waste from all residential customers. The City has the right to reject and request modification of routes, and updates on routes of Contractor.
- 2.02 Excess or Misplaced Municipal Solid Waste. The Contractor shall only be responsible for collecting, hauling and disposing of Municipal Solid Waste placed inside the Polycart provided by the Contractor.
- 2.03 Handicapped Residential Units. The Contractor will assist Handicapped Residential Units with house-side collection of their Polycarts, and/ or Carts, Bags, Boxes or Bundles provided that the Contractor receives prior notice from the Handicapped Residential Unit or the City of such special need. The City shall be solely responsible for all other modifications and accommodations required by the Americans with Disabilities Act or any other applicable law or regulation in connection with the services provided hereunder to Residential Units.
- 2.04 Brush/Bulk/Green Wastes Collection: In addition, the Contractor may provide collection service for brush/bulky/green wastes and/or bundles to all residential customers for up to four (4) cubic yards, unless otherwise specified. Contractor agrees to collect such large objects and quantities of waste as described in definitions for Brush, Bulky, Green Waste, and Bundles.
- 2.05 Commercial, Industrial, Institutional, Municipal Facilities and Multi-Family Residential Unit Collections. The Contractor will collect Municipal Solid Waste from Commercial, Industrial, Institutional, Municipal Facilities and Multi-Family Residential Units at least once per week. The Contractor shall only be responsible for collecting, hauling and disposing of Municipal Solid Waste placed inside the Polycarts, Bins or Containers provided by the Contractor. However, the Contractor shall be obligated to offer and provide sufficient service to Commercial, Industrial, Institutional, Municipal Facilities, and Multi-Family Residential Units, and to increase or decrease, as necessary, the frequency of collection and the size or number of Containers so that Commercial, Industrial, Institutional, Municipal Facilities or Multi-Family Units' Municipal Solid Waste will be regularly contained. The Contractor shall be compensated for these additional Services as provided for in the attached Rate Sheet.
- 2.06 Municipal Locations. The Contractor will provide, at no cost to the City, up to an aggregate number of three (3) two, three or four-yard (at the city's discretion) Containers to collect Municipal Solid Waste at City Hall once or twice per week, as needed. Additionally, the Contractor shall provide, at no cost to the City one (1) two, three or four-yard (at the City's discretion) bin at three (3) additional City facilities including the Irene Stern Community Center, 6920 Katy Fulshear Rd, the City of Fulshear Sewer Plant, 30618 FM 1093, and the Cross Creek Ranch Sewer Plant, 29002 ½ FM 1093.
- 2.07 Special Events. The Contractor will provide, at no cost to the City, an adequate number of Container(s) per event to collect Municipal Solid Waste at certain City sponsored events; provided, that the City gives the Contractor reasonable prior written notice of the date of such special event as well as the number of Containers that will be required. Events may be added or deleted as negotiated through later contract amendments.



2.08 Semi -Annual Community Clean-Ups. In addition, the Contractor will provide, at no cost to the City, an aggregate number of two (2) forty-yard Roll-Offs per Clean-Up event with two (2) hauls per Roll-Off to collect Municipal Solid Waste at the City's Annual Community Clean-Up. The event shall be only for the residents of the City and shall be scheduled on a Saturday from 8:00 a.m. to 2:00 p.m. for the residents to bring unwanted items to discard (excluding Hazardous Waste, e-Waste, tires and batteries).

3.00. COLLECTION OPERATION

3.01 Hours of Operation: Collection of solid waste shall begin no earlier than 7:00 o'clock A.M. and shall generally not extend beyond 7:00 o'clock P.M. No collection shall be made on Saturday or Sunday.

3.02 Hours of Disposal: Contractor shall dispose of waste within the operating hours of disposal site.

3.03 Routes of Collection: Collection routes shall be established by the Contractor as approved by the City. The City shall be provided route collection maps and container locations.

3.04 Holidays: The following shall be holidays for purposes of this Contract:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Contractor may decide to observe any or all of the above-mentioned holidays by suspension or collection service on the holiday, but the Contractor must meet his obligation as required. **NOTE: Contractor shall be responsible for providing make-up collection for residential routes that occur on specified holidays. Make-up days shall be the next business day following the holiday.**

3.05 Complaints: At a minimum, customer complaint procedure shall provide that the customer complaint shall be addressed within 24 hours of receipt of such complaint or the next business day and shall be promptly resolved. The contractor shall be responsible for maintaining a log of complaints, and provide the City on a weekly basis, with copies of all complaints indicating the date and hour of the complaint, nature of the complaint, and the manner and timing of its resolution. Any missed pickups of residential refuse will be collected the same business day if notification to the Contractor is provided by 2:00 p.m. but not later than the next business day if notification is provided after 2:00 p.m.

3.06 Collection-Equipment: Contractor, at its sole cost and expense, agrees to furnish, all trucks, equipment, machines, and labor which are reasonably necessary to adequately, efficiently, and properly collect and transport garbage from accounts serviced by Contractor in accordance with this Contract. Collection of garbage shall be made using sealed packer-type trucks, and such equipment shall not be allowed to leak nor scatter any waste within the limits of the City nor while in route to the disposal site, where such accumulation shall be dumped.

Due to street size variations in the City, the Contractor will need to provide equipment that will accommodate such public streets and alleys. Special collections shall be made using appropriate equipment



All motor vehicles used in performance of the obligations herein created shall be clearly marked with the Contractor's name, telephone number and unit number legible from 150 feet. All collection equipment shall be maintained in a first class, safe, and efficient working condition throughout the term of the Contract. Such vehicles shall be maintained and painted as often as necessary to preserve and present a well-kept appearance, and a regular preventative maintenance program. The City may inspect Contractor's vehicles at any time to insure compliance of equipment with Contract or require equipment replacement schedule to be submitted to City. Vehicles are to be washed on the inside and sanitized with a suitable disinfectant and deodorant a minimum of once a month. Such vehicles shall be washed and painted or repainted as often as necessary to keep them in a neat and sanitary condition.

- 3.08 Non-Routine Collection: The Contractor shall be required to provide annual Christmas tree collection for recycling purposes. The Contractor shall provide thirty (30) hauls at no charge, per contract year. Contractor shall furnish, at no charge, 2,000 educational fliers per year. Said fliers shall include information about the Contractor's services in the City of Fulshear, pickup schedule for recyclables and bulky items, and Contractor's contact information. The City reserves the right to review and approve the information printed on the flier.
- 3.09 Disposal: The Contractor shall deliver solid waste collected to a Licensed Sanitary landfill operated in compliance with rules stipulated by the TNRCC and/or the USEPA.
- 3.10 Spillage: The Contractor shall not be responsible for scattered refuse unless the same has been caused by its acts or those of any of its employees, in which case all scattered refuse shall be picked up immediately by the Contractor. Contractor will not be required to clean up or collect loose refuse or spillage not caused by the acts of its employees but shall report the location of such conditions to the City Hall so that proper notice can be given to the customer at the premises to properly contain refuse. The Contractor shall pick up commercial refuse spillage or excess refuse after the customer reloads the container for an additional fee. In the case of commercial customers, Contractor shall then be entitled to an extra collection charge for each reloading of a commercial container requiring an extra collection. Should such commercial spillage continue to occur, City shall require the commercial customer and Contractor to increase the frequency of collection of the commercial customers refuse or require the customer to utilize a commercial container with a larger capacity, and the Contractor shall be compensated for such additional services.
- 3.11 Vicious Animals: Employees of the Contractor shall not be required to expose themselves to the dangers of vicious animals to accomplish refuse collection in any case where the owner or tenants have animals at large, but the Contractor shall immediately notify the City, in writing, of such condition and of his inability to make collection.
- 3.12 Hazardous Waste: Contractor shall not be obligated to pick up hazardous waste, including refrigeration appliances that have not had CFC's removed by a certified technician, tires, automobile/vehicle batteries, petroleum products, paints and other chemicals and solvents identified as hazardous by the U.S. Environmental Protection Agency.
- 3.13 Protection from Scattering: Each vehicle shall be equipped with a cover which may be net with mesh not greater than one and one-half (1-1/2) inches, or tarpaulin, or fully enclosed metal top to prevent leakage, blowing or scattering of refuse onto public or private property. Such cover shall be kept in good order and used to cover the load going to and from the landfill, during loading operations, or when parked if contents are likely to be scattered. Vehicles shall not be overloaded so as to scatter



refuse; however, if refuse is scattered from Contractors vehicle for any reason, it shall be picked up immediately. Each vehicle shall be equipped with a fork, broom and shovel for this purpose.

4.00 LICENSE AND TAXES

The Contractor shall obtain all licenses and permits (other than the license and permit granted by the Contract) and promptly pay all taxes required by the City and the State.

5.00 INDEMNITY

The Contractor assumes all risks of loss or injury to property or persons caused by its performance of the Services. The Contractor agrees to indemnify and hold harmless the City and its agents, directors, employees, officers and servants from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, liabilities, losses or expenses (including, but not limited to, reasonable attorneys' fees) incident to its performance of the Services caused by a willful or negligent act or omission of the Contractor, its officers and employees. However, the Contractor shall not be liable for any legal proceedings, claims, demands, damages, costs, expenses and attorneys' fees caused by a willful or negligent act or omission of the City, its agents, directors, employees, officers and servants.

6.00 REMEDY

The City's remedy for breach of contract under the Contract to be awarded, or the Contractor's failure to perform shall be to make demand under the terms of the Performance Bond, the liability insurance required of the Contractor, and the indemnity provisions of the Contract.

7.00 TRANSFERABILITY OF AGREEMENT

Other than by operation of law, no assignment of the Contract or any right accruing under the Contract shall be made in whole or in part by the Contractor without the express written consent of the City, which consent shall not be unreasonably withheld; in the assignment, the assignee shall assume the liability of the Contractor.

8.00 OWNERSHIP

Title to Refuse and Dead Animals shall pass to Contractor when placed in Contractor's collection vehicle, removed by Contractor from a Container, or removed by Contractor from the customer's premises, whichever last occurs.

9.00 BILLING/COLLECTION

The City will act as collector. The Contractor shall submit statements to and collect from all residential and commercial units for all services provided by the contractor, including those such accounts that are delinquent. Contractor shall submit statements to the City for services provided in accordance with Sections 20 and 3.0.



10.00 DELINQUENT AND CLOSED ACCOUNTS

The contractor shall discontinue refuse collection service at any residential or commercial unit as set forth in a written notice sent to it by the City. Upon further notification by the City, the contractor shall resume refuse collection on the next regularly scheduled collection day.

11.00 CONTRACTOR BILLINGS TO CITY

The contractor shall bill the City for services rendered to residential, multi-family, commercial, and Industrial units at the end of each month and the **City** shall pay the contractor on or before the end of the next month. Such billing and payment shall be based on the price rates and schedules set forth in the contract documents. The contractor shall be entitled to payment for services rendered to residential and commercial units irrespective of whether or not the City collects from the customer for such service.

12.00 BOOKS AND RECORDS

The City and Contractor agree to maintain at their respective places of business adequate books and records relating to the performance of their respective duties under the provisions of this Contract and such books and records shall be made available at any time during business hours for inspection by the other party, at the inspecting party's expense, upon reasonable advance notice.

13.00 TERMINATION FOR CAUSE

If at any time Contractor shall fail to substantially perform terms, covenants or conditions herein set forth, City shall notify Contractor by registered or certified mail addressed to Contractor at the address set forth herein of specific reasons in support of City's claim that Contractor has substantially breached the terms and provisions of this Contract. Contractor shall be allowed a thirty (30) day period from the date of receipt of said notice from City to remedy any failure to perform. If the City Council makes a finding that Contractor has failed to provide adequate refuse collection service for City or has otherwise substantially failed to perform its duties hereunder thirty (30) days after providing notice to the Contractor, the City Council may terminate this Contract.

The City shall not unreasonably withhold condition or delay its consent to any requested rate increase. In the event the City fails or refuses to consent to any such requested rate increase and the Contractor can demonstrate that such rate increase is necessary to offset the Contractor's increased costs in connection with performing the services under this Agreement not otherwise offset by any previous rate adjustments hereunder, the Contractor may, in its sole discretion, terminate this Agreement upon ninety (90) days written notice to the City.

14.00 NOTICES

Any notice required or permitted to be delivered hereunder shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the respective part of the address set forth below:



If to the City, at:

The City Manager
30603 FM 1093 Rd.
P.O. Box 279
Fulshear, Texas 77441
Waste Corporation of America
8515 Highway 6 S
Houston, Texas 77083
ATTN: Trevor Royal

If to the Contractor at:

Or, such other addresses as the parties may hereafter specify by written notice delivered in accordance herewith.

15.00 FORCE MAJEURE

The performance of this Agreement may be suspended, and the obligations hereunder excused in the event and during the period that such performance is prevented by a cause or causes beyond reasonable control of such party. The performance of the Agreement will be suspended, and the obligations hereunder excused only until the condition preventing performance is remedied. Such conditions shall include, but not be limited to, acts of God, acts of war, accident, explosion, fire, flood, riot, sabotage, acts of terrorists, unusually severe weather, lack of adequate fuel, or judicial or governmental laws or regulations.

16.00 SEVERABILITY

If any provision or portion thereof of any Contract Document shall be found to be invalid or unenforceable, then such provision or portion thereof shall be performed in accordance with applicable laws. The invalidity or unenforceability of any provision or portion of any Contract Document shall not affect the validity or enforceability of any other provision or portion of any Contract Document.



22. MODIFICATION TO RATES

- a. All modifications under this contract shall be subject to the approval of City Council.

If approved by City Council, the fees which may be charged by the contractor for the third and subsequent years of the term hereof shall be adjusted upward or downward to reflect changes in the cost of operations, as reflected in the cost of operations, as reflected by fluctuations in the Consumer Price Index for Urban Wage Earners and Clerical Workers (all items) and the Consumer Price Index for Urban Wage Earners and Clerical Workers, Expenditures Category "Gasoline", both as published by the U.S. Department of Labor, Bureau of Labor Statistics. As of the last month of the first year of the contract and every twelve months thereafter (the "Rate Modification Date"), the fees shall be increased or decreased for the ensuing twelvemonth period in a percentage amount equal to at least 90% of the net percentage change of the All Items Index plus 10% of the net percentage change of the Gasoline Index. All percentage changes are to be computed as the difference between the index value for the first full month prior to the commencement of the contract and the index value for the Rate Modification Date divided, by the index value for the first full month prior to the commencement of the contract.

- b. As soon as possible after a Rate Modification Date, Contractor shall send to the City a comparative statement setting out for both the All Items Index and Gasoline Index.
1. The index value on the first full month prior to the commencement of the Contract;
 2. The index value on the Rate Modification Date preceding the date of the statement;
 3. The net percentage change;
 4. The composite percentage change equal to the net percentage change in the All Items Index plus the net percentage change in the Gasoline Index; and
 5. The increase or decrease in the fees which may be charged by the contractor.

On the next billing date after the approval of the City Council, the **City** shall pay to the contractor (subject to the required approval of Council), or the contractor shall credit to the City, as the case may be, a lump sum equal to any increase or decrease applicable to that portion of the current period which has elapsed and, thereafter, the fees charged by the contractor shall be modified to reflect any change until a different comparative statement is received by the City. The maximum increase allowed under this section, 22. Modification to Rates, shall be eight percent (8%) per year.

- c. In addition to the above, the contractor may petition the **City** at any time for additional rate and price adjustments on the basis of unusual changes in its cost of operations, such as revised laws, ordinances, or regulations: changes in location of disposal sites or changes in disposal charges, an increase in the number of residential units as set forth in Paragraph 17 of the Instructions to Proposers, such as City growth or annexation; and for other reasons.



V. *Additional Contract Documents.* The following specified documents attached to this Contract are part of this Contract, except as follows: any provision contained in any of the Contractor's Additional Contract Documents specified below that conflicts with a Contract provision not included in the Contractor's Additional Contract Documents, does not apply to this contract.

A. Contractor's Additional Contract Documents:

1. Executed Contractor Insurance Requirements & Agreement (required insurance certificates shall be in possession of the City at actual commencement of work).

B. City's Additional Contract Documents:

1. Insurance Forms as required below.
2. Scope of Services as listed on the attached as Exhibit A

END OF DOCUMENT

**CITY OF FULSHEAR
REQUIREMENTS FOR ALL INSURANCE DOCUMENTS**

The Contractor shall comply with each and every condition contained herein. The Contractor shall provide and maintain the minimum insurance coverage set forth below during the term of its agreement with the City. Any Subcontractor(s) hired by the Contractor shall maintain insurance coverage equal to that required of the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City of Fulshear accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

INSTRUCTIONS FOR COMPLETION OF INSURANCE DOCUMENT

With reference to the foregoing insurance requirements, Contractor shall specifically endorse applicable insurance policies as follows:

- A. The City of Fulshear shall be named as an additional insured with respect to General Liability and Automobile Liability **on a separate endorsement**
- B. A waiver of subrogation in favor of The City of Fulshear shall be contained in the Workers Compensation and all liability policies and must be provided **on a separate endorsement.**
- C. All insurance policies shall be endorsed to the effect that The City of Fulshear will receive at least thirty (30) days' written notice prior to cancellation or non-renewal of the insurance.
- D. All insurance policies, which name The City of Fulshear as an additional insured, must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.
- E. **Chapter 1811 of the Texas Insurance Code, Senate Bill 425 82(R) of 2011, states that the above endorsements cannot be on the certificate of insurance. Separate endorsements must be provided for each of the above.**
- F. All insurance policies shall be endorsed to require the insurer to immediately notify The City of Fulshear of any material change in the insurance coverage.
- G. All liability policies shall contain no cross liability exclusions or insured versus insured restrictions.
- H. Required limits may be satisfied by any combination of primary and umbrella liability insurances.
- I. Contractor may maintain reasonable and customary deductibles, subject to approval by The City of Fulshear.
- J. Insurance must be purchased from insurers having a minimum Am Best rating of B+.
- K. All insurance must be written on forms filed with and approved by the Texas Department of Insurance. (ACORD 25 2010/05) Coverage must be written on an occurrence form.
- L. Contractual Liability must be maintained covering the Contractors obligations contained in the contract. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions representing and warranting all endorsements and insurance coverages according to requirements and instructions contained herein.
- M. Upon request, Contractor shall furnish The City of Fulshear with certified copies of all insurance policies.
- N. A valid certificate of insurance verifying each of the coverages required above shall be issued directly to the City of Fulshear within ten (10) business days after contract award and prior to starting any work by the successful contractor's insurance agent of record or insurance company. Also, prior to the start of any work and at the same time that the Certificate of Insurance is issued and sent to the City of Fulshear, all required endorsements identified in sections A, B, C and D, above shall be sent to the City of Fulshear. The certificate of insurance and endorsements shall be sent to:

**City of Fulshear
Finance Office
P. O. Box 279
Fulshear, TX 77441**

**Emailed to: accounting@fulsheartexas.gov
Faxed to: (281) 346-2556**

Questions, please contact Fulshear's Finance Department at (281) 346-8805



CERTIFICATE OF LIABILITY INSURANCE

A

DATE (MM/DD/YYYY)
01/01/1900

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ABC Insurance Agency 555 Main Street Tampa, FL 33333-0000		CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL: ADDRESS:		INSURER(S) AFFORDING COVERAGE		NAIC #	
INSURED XYZ Company 123 Apple Street Tampa, FL 22222-0000		INSURER A : Insurance Carrier INSURER B : Insurance Carrier INSURER C : Insurance Carrier INSURER D : Insurance Carrier INSURER E : Insurance Carrier INSURER F : Insurance Carrier		00000 00000 00000 00000 00000		00000 00000 00000 00000 00000	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOSS	Y Y	X123456	01/01/1900	01/01/1900	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MEO EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWN AUTOS	Y Y	123456789	01/01/1900	01/01/1900	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CLAIMS MADE DED RETENTION \$	Y Y				EACH OCCURRENCE \$ AGGREGATE \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICEMEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A Y	01234	01/01/1900	01/01/1900	<input checked="" type="checkbox"/> WC STATUTORY LIMITS OTH-EP EL EACH ACCIDENT \$ 500,000 EL DISEASE - EA EMPLOYEE \$ 500,000 EL DISEASE - POLICY LIMIT \$ 500,000
E	Builder's Risk Professional Services	Y Y	123456	01/01/1900	01/01/1900	100% Insurable Value, replacement cost basis \$1,000,000 each claim / \$1,000,000 aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Effective January 1, 2012 must be compliant with Chapter 1811, Tex. Ins. Code (SB 425 enacted by Texas Legislature 82(R) session in 2011).

CERTIFICATE HOLDER City of Fulshear Purchasing Office P.O. Box 279 Fulshear, TX 77441	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE AUTHORIZED SIGNATURE REQUIRED HERE
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(Instructions for completing and submitting a certificate to the City of Fulshear)

Complete the certificate of insurance with the information listed below:

- A) Certificate of Insurance date
- B) Producer (Insurance Agency) Information -complete name, address, telephone information, & email address.
- C) Insured's (Insurance Policy Holder) Information -complete name & address information
- D) Insurer (name/names of insurance company) **(Remember the City requires all insurance companies to be Authorized to do business in the State of Texas and be rated by A.M. Best with a rating of B+ (or better) Class VI (or higher) or otherwise be acceptable to the City if not rated by A. M. Best)
- E) NAIC # (National Association of Insurance Commissioners, a # that is assigned by the State to all insurance companies)
- F) Insurer letter represents which insurance company provides which type of coverage from D
- G) General Liability Insurance Policy - must have an (x) in box. Also, "Occurrence" type policy -must have an (x) in the box (occurrence policy preferred but claims made policy can be accepted with special approval)
- H) This section shall be filled in with "Y" for yes under Additional Insured for all coverages, except for Professional Liability and Workers' Compensation. There shall also be a "Y" for yes under all coverages for subrogation waived.
- I) Automobile Liability Insurance – must be checked for Any Auto, All Owned Autos, Hired Autos
- J) Umbrella Coverage – must be checked in this section and by occurrence whenever it is required by written contract and in accordance with the contract value.
- K) Worker's Compensation and Employers Liability Insurance - information must be completed in this section of the certificate of insurance form (if applicable)
- L) Builder's Risk Policy – for construction projects as designated by the City of Fulshear.
Professional Liability Coverage – for professional services if required by the City of Fulshear.
- M) Insurance Policy #'s
- N) Insurance policy effective dates (always check for current dates)
- O) Insurance Policy limits (See Insurance Requirements Checklist)**
- P) This section is to list projects, dates of projects, or location of project. Endorsements to the insurance policy(ies) must be provided separately and not in this section. The following endorsements are required by the City of Fulshear.
 - (1) Adding the City of Fulshear as an additional insured. The "additional insured" endorsement is not required for professional liability and workers compensation insurance; and
 - (2) Waiver of Subrogation
 - (3) Primary and Non-Contributory
 - (4) Cancellation Notice
- Q) City of Fulshear's name and address information must be listed in this section
- R) Notice of cancellation, non-renewal, or material change to the insurance policy(ies) must be provided to the City of Fulshear in accordance with a cancellation notice endorsement to the policy and/or per the policy provisions based on the endorsement adding the City as an additional insured. (Sec. 1811.155, Tex. Ins. Code)
- S) The certificate must be signed by the Authorized Agent in this section of the certificate form.

INSURANCE REQUIREMENTS-PROJECT SPECIFIC

City Staff shall determine the appropriate level of risk and assign the insurance requirements based on that risk. All Insurance Documents will be reviewed by Purchasing and Risk.

Items marked “X” are required to be provided if award is made to your firm.

Coverages Required & Limits (Figures Denote Minimums)

- X Workers’ Compensation Statutory limits, State of TX.
- X Employers’ Liability \$500,000 per employee per disease / \$500,000 per employee per accident / \$500,000 by disease aggregate

___ Commercial General Liability:

	<u>Very High/High Risk</u>	<u>Medium Risk</u>	<u>Low Risk</u>
Each Occurrence	\$1,000,000	\$500,000	\$300,000
Fire Damage	\$300,000	\$100,000	\$100,000
Personal & ADV Injury	\$1,000,000	\$1,000,000	\$600,000
General Aggregate	\$2,000,000	\$1,000,000	\$600,000
Products/Compl Op	\$2,000,000	\$500,000	\$300,000
XCU	\$2,000,000	\$500,000	\$300,000

___ Automobile Liability: (Owned, Non-Owned, Hired and Injury & Property coverage for all)

<u>Very High/ High Risk</u>	<u>Medium Risk</u>	<u>Low Risk</u>
Combined Single Limits \$1,000,000 Bodily	Combined Single Limits \$500,000 Bodily	Combined Single Limits \$300,000 Bodily

___ Garage Liability for BI & PD

- \$1,000,000 each accident for Auto, \$1,000,000 each accident Non-Auto
- \$2,000,000 General Aggregate

___ Garage Keepers Coverage (for Auto Body & Repair Shops)

- \$500,000 any one unit/any loss and \$200,000 for contents

___ Umbrella each-occurrence with respect to primary Commercial General Liability, Automobile Liability, and Employers Liability policies at minimum limits as follows:

- Contract value less than \$1,000,000: not required
- Contract value between \$1,000,000 and \$5,000,000: **\$4,000,000 is required**
- Contract value between \$5,000,000 and \$10,000,000: **\$9,000,000 is required**
- Contract value between \$10,000,000 and \$15,000,000: **\$15,000,000 is required**
- Contract value above \$15,000,000: **\$20,000,000 is required**

Excess coverage over \$10,000,000 can be provided on “following form” type to the underlying coverages to the extent of liability coverage as determined by the City.

___ Professional Liability, including, but not limited to services for Accountant, Appraiser, Architecture, Consultant, Engineering, Insurance Broker, Legal, Medical, Surveying, construction/renovation contracts for engineers, architects, constructions managers, including design/build Contractors.

- Minimum limits of \$1,000,000 per claim/aggregate
- This coverage must be maintained for at least two (2) years after the project is completed.

___ Builder's Risk (if project entails vertical construction, including but not limited to bridges and tunnels or as determined by the City of Fulshear) Limit is 100% of insurable value, replacement cost basis

___ Pollution Liability for property damage, bodily injury and clean up (if project entails possible contamination of air, soil or ground or as determined by the City of Fulshear)

___ Other Insurance Required: _____

NOTE: The nature/size of a contract/agreement may necessitate higher limits than shown above. These requirements are only meant as a guide, but in any event, should cover most situations. Check with Purchasing & Risk Management if you need assistance or need additional information.

EXHIBIT A

A. Residential Single Family

Base Bid: Modified

Combined Collection Services

Price per home per month \$15.52 (breakdown below)

Service:

MSW collection 1x/week utilizing 95-Gallon WCA Poly Cart \$10.61
 Recycle collection 1x/week utilizing 65-Gallon WCA Poly Cart \$ 4.91
 Bulk / Brush collection provided 1x/week included

Special Notes:

As new development continues and the City expands its residential footprint, WCA will utilize Automated Front End Load vehicles to provide collection services. The portion of the City that is serviced via Rear End Loading vehicles, currently, will remain as such.

Replacement and Additional Cart Purchase:

Price for replacement solid waste cart (one-time fee) \$70.00
 Price for replacement recycling cart (one-time fee) \$70.00
 Price for Additional Cart (one-time fee) maximum (2), (1) Trash (1) Recycle/household \$95.00

B. COMMERCIAL SERVICES – CONTAINERS BY CUBIC YARDS:

COMMERCIAL SERVICES						Recycling Collection	MSW Extra Pickup	Container	Container
Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	1x per week	Charge	Delivery	Removal
95 Gallon Cart (2 Carts)	\$25.00	N/A	N/A	N/A	N/A	-	-	\$35.00	\$35.00
2	\$ 58.14	\$ 102.00	N/A	N/A	N/A	N/A	\$ 95.00	\$ 95.00	\$ 95.00
3	\$ 74.46	\$ 119.34	N/A	N/A	N/A	N/A	\$ 95.00	\$ 95.00	\$ 95.00
4	\$ 89.76	\$ 149.94	N/A	N/A	N/A	N/A	\$ 95.00	\$ 95.00	\$ 95.00
6	\$ 115.26	\$ 201.96	\$ 265.00	\$ 322.15	\$ 492.60	N/A	\$ 95.00	\$ 95.00	\$ 95.00
8	\$ 138.72	\$ 235.62	\$ 322.15	\$ 387.97	\$ 554.24	\$ 145.00	\$ 95.00	\$ 95.00	\$ 95.00

Additional/month/container fee:

Restaurants:

Base Rate: \$3.82/cy of waste collected
 Fuel Recovery Fee 15% of base rate/per cubic yard of waste collected
 Locking devices \$15 per month per container for those requested

C. Disaster Management – Emergency Basis as Needed

Rates:

Rate per hour for Roll Off Truck and Container \$400.00
 Rate per hour for Grapple Truck \$400.00
 Rate per hour for Rear Load Truck with Crew \$400.00
 Disposal fee per yard collected Posted Gate Rate

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: X.G.

**DATE
SUBMITTED:** 11/11/2019

DEPARTMENT: Building Services

PREPARED BY: Zach Goodlander

PRESENTER: Zach Goodlander

SUBJECT: CONSIDER AND TAKE ACTION TO APPROVE OR DENY A SIGN VARIANCE APPEAL FOR MOVE-IT STORAGE

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

Bakers Signs working on behalf of the Move-It Storage has made an application for a façade/wall sign permit which has been denied for non-compliance with Chapter 28, Section 28-4, (2), (b) of the City of Fulshear Code of Ordinances. The property is located within the Special Highway Sign District, specifically 29625 FM 1093 Road.

Chapter 28, Section 28-4, (2), (b), specifically states:

b. Façade or wall signs. Façade or wall signs shall be allowed only on a wall or façade that is parallel to a public street, and only so long as the total sign area does not exceed ten percent of the façade or wall on which it is mounted or painted,

Bakers Signs applied for not only a sign parallel to the street (FM 1093) but also one facing their parking lot east of the building, further their signs exceed the ten percent threshold of the "façade or wall on which it is mounted or painted". Consequently, there are two variance requests, one pertaining to size and the other to quantity.

The applicant has cited that their signs equal 5.09% (East) and 6.58% (North) of the total wall areas. However, the Building Official has determined this to be incorrect. Being that the wall the applicant intends to place the sign is above the roof line of the awning and separate from the rest of the building it's calculated separately from the rest of the building. The awning serving as a break in the wall. This is the standard applied by the Building Official throughout the City. The applicant has cited examples in the past of a different interpretation, by a different building official, at Hula Car Wash in 2012 for instance. However, it's understood that each variance request stands on it's own merits.

The applicant has previously appealed to the Planning & Zoning Commission on two occasions - October and November 2019 - and been unanimously denied both times.

RECOMMENDATION

Staff recommends that City Council, like the Planning & Zoning Commission twice before, deny the variance appeal.

HARDSHIP: It shall be incumbent upon an applicant to conclusively prove at the hearing that, if compelled to meet the provisions of this Ordinance, the applicant cannot secure reasonable use of the property; that the hardship claimed results from the application of the provisions of this Ordinance; that the hardship claimed is suffered by the property directly; and not merely by other properties; that the hardship claimed is not the result of the applicant's own actions.

Please note: Monetary or cosmetic reasons will not pass the hardship standard.

ATTACHMENTS:

Description	Upload Date	Type
Move It Storage Sign Packet	11/12/2019	Exhibit

November 11, 2019

Zach Goodlander

Director of Development Services

City of Fulshear, Texas

(281)346-8852

Dear Mr. Goodlander,

I am writing to appeal the decisions from the Planning and Zoning Committee in the City of Fulshear for the Move It Storage façade mounted signage.

The first appeal was denied from the Planning and Zoning Committee stating that the overall square footage is over the allowable 10% of the façade is as follows.

According to the Code of Ordinances in the City of Fulshear Section 28-4 Section B as stated below

B. Facade or wall signs. Facade or wall signs shall be allowed only on a wall or facade that is parallel to a public street, and only so long as the total sign area does not exceed ten percent of the area of the facade or wall on which it is mounted or painted, provided that for buildings with two or more tenants, the total sign area for a facade or wall sign shall be limited to ten percent of the facade or wall area on which it is mounted or painted that is attributable to the applicable tenant's lease. Facade or wall signs may be mounted or painted upon the wall and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.

In our calculations the sign on the east elevation facade only occupies 5.09% of the total wall area and the north elevation sign only occupies 6.58% of the total wall area. Both are under the 10% of the total wall area specified in the ordinance. Unlike the Hula Car Wash Branding that is well over 75% of the building front façade. While Hula Car Wash was permitted back in 2012, the sign permit they were given still states that they can only occupy 10% of the building façade which you will see reflected on the sign permit itself we obtained from our open records request. Move It Storage canopy as stated by the Committee should be counted as a break in the wall which we deem is not accurate as it is a structural element to the building itself. Therefore, the calculations above are well within the City of Fulshear's code of ordinance for Move It Storage.

The second appeal is as follows. The East Elevation wall sign for Move It Storage as denied by the Committee is therein a Way-Finding sign as stated by definition in Section 28-2 Definitions in the City of Fulshear ordinance.

Section 28-2 – Definitions -*Way-finding* sign means signage specific to directing travelers to certain locations within the city. Such signs shall be of a specific design for its type and shall be approved on a case by case basis by the planning commission prior to installation unless installed in conjunction with a previously approved master sign plan in association with a master planned community.

This way-finding sign would encourage drivers to stop in a safe and timely fashion and prevent accidents from happening on FM 1093. While safety should be key here to identifying a specific building, we feel that being fair to all business owners is also crucial. In the open records we found that "Frontier Title" had a variance regarding the same circumstances on 3/3/2017 and was APPROVED for (2) wall signs with only (1) facing a public roadway. We had asked the board members what the case was that "Frontier Title" got there's APPROVED, and they simply said that they cannot say because the board members change in which the opinion of the board changes. If there was a specific reason "Frontier Title" got theirs APPROVED under the same circumstances, there is NO reason we should not be allowed to have these (2) wall mounted signs.

The signs proposed are for branding and directional use. Complete Signs would like to present their argument to City Council November 19, 2019.

Best Regards,

Complete Signs



CITY OF FULSHEAR

DEVELOPMENT SERVICES

PO Box 279 / 29255 FM 1093 #12C

Fulshear, Texas 77441

Phone: 281-346-8860 ~ Fax: 281-346-8237

www.fulsheartexas.gov

SIGN VARIANCE APPLICATION

JURISDICTION: The Planning and Zoning Board is a citizen court appointed by the City Council to hear appeals and requests for: Variances, Special Exceptions, and Interpretations of the Zoning Ordinance.

WHO MAY APPLY: The owner of the property under consideration, or a person having a written authorization from, and representing, the owner may apply for a "Variance" or "Special Exception" to the Planning Commission.

WHEN TO APPLY: Application for an appeal must be filed by the scheduled filing deadline, which is 15 days prior to the next meeting.

FILING FEE: \$75.00 Non-Refundable Filing Fee

HEARING PROCESS: The applicant, or authorized agent, must be present at the hearing to present one's appeal. Otherwise the Board may deny the case.

BOARD DECISION: At the conclusion of the public hearing, the Board will render a decision to either: approve, approve with conditions, continue, deny or deny without prejudice. Applicants with approved cases are allowed 180 days to obtain a building permit.

APPEAL OF DECISION: Any person aggrieved by a decision of the Board may, within ten (10) ten days following the date the Board's Decision are filed for record in the City Planning Department, submit a petition to the City Council. **Decisions of the Board do not replace approvals required by any other agency or review body.**

APPLICANTS RESPONSIBILITY: Applicants are responsible for the presentation of their case before the Board, and to provide support information to include, but not be limited to the following items:

- Surrounding land use supporting the request.
- Description of the Hardship that necessitate the request
- Reason (s) for appearing before the Board
- Reasons why the Board should grant the applicants request

OTHER REGULATORY CONSIDERATIONS Approval of a request does not negate any private legal recorded Restrictive Deed Covenants or Restrictions that may affect the property.

CRITERIA REGULATING VARIANCE REQUESTS: Consideration by the Board is determined by the following criteria:

1. Will literal enforcement of the ordinance result in a hardship or practical difficulty?
2. Is the hardship self-imposed?
3. Is the condition unique to the property, or is it common to other properties within the area?



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SIGN VARIANCE APPLICATION

APPLICATION FEE: \$75.00 NON-REFUNDABLE

APPLICATION DATE: 10/31/19

ADDRESS OF PREMISES AFFECTED: 29625 Fm 1093

LEGAL DESCRIPTION: _____

OWNERS INFORMATION:

NAME Move it Storage
ADDRESS 29625 Fm 1093 CITY, STATE, ZIP Fulshear, TX
EMAIL _____ PHONE NUMBER _____

APPLICANTS NAME (if different than owner) Katlyn McBoidnick
ADDRESS 11201 Fm 1093
CITY Conroe STATE TX
ZIP CODE 77306 EMAIL permits@bakusigns.com PHONE NUMBER 936-446-1239

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary)

(1) I am requesting a variance to allow a sign on an additional elevation that is not on direct road frontage. The east Elevation which allows greater visibility to vehicles therefore allowing drivers to clearly identify the property in time to turn safely.
(2) The actual wall signs on each elevation are less than 10% of each facade when taking the entire 2 story wall into account. Each sign is only 21.27 sq ft. We are requesting the size to be allowed to maintain clarity & legibility for all.

Status of the Project: Existing Under Construction Proposed

Have there been previous variance requests for this property? NO

Are there similar situations in the area? _____

Addresses: _____

Have you informed your Home Owners Association? _____ or Neighbors? _____

Request Proposal and Description: Provide a description of the existing and or proposed physical property improvements relative to this case (ie: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:

Please see attached photos of business with signs not facing
direct road frontage

Acknowledgement: I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.

Signed by the Applicant/Owner Agent:  Date: 10/31/19

F. M. 1093
(220' ROW)

Proposed new edge
of roadway

Farm to Market 1093 Rd

Proposed new
property line

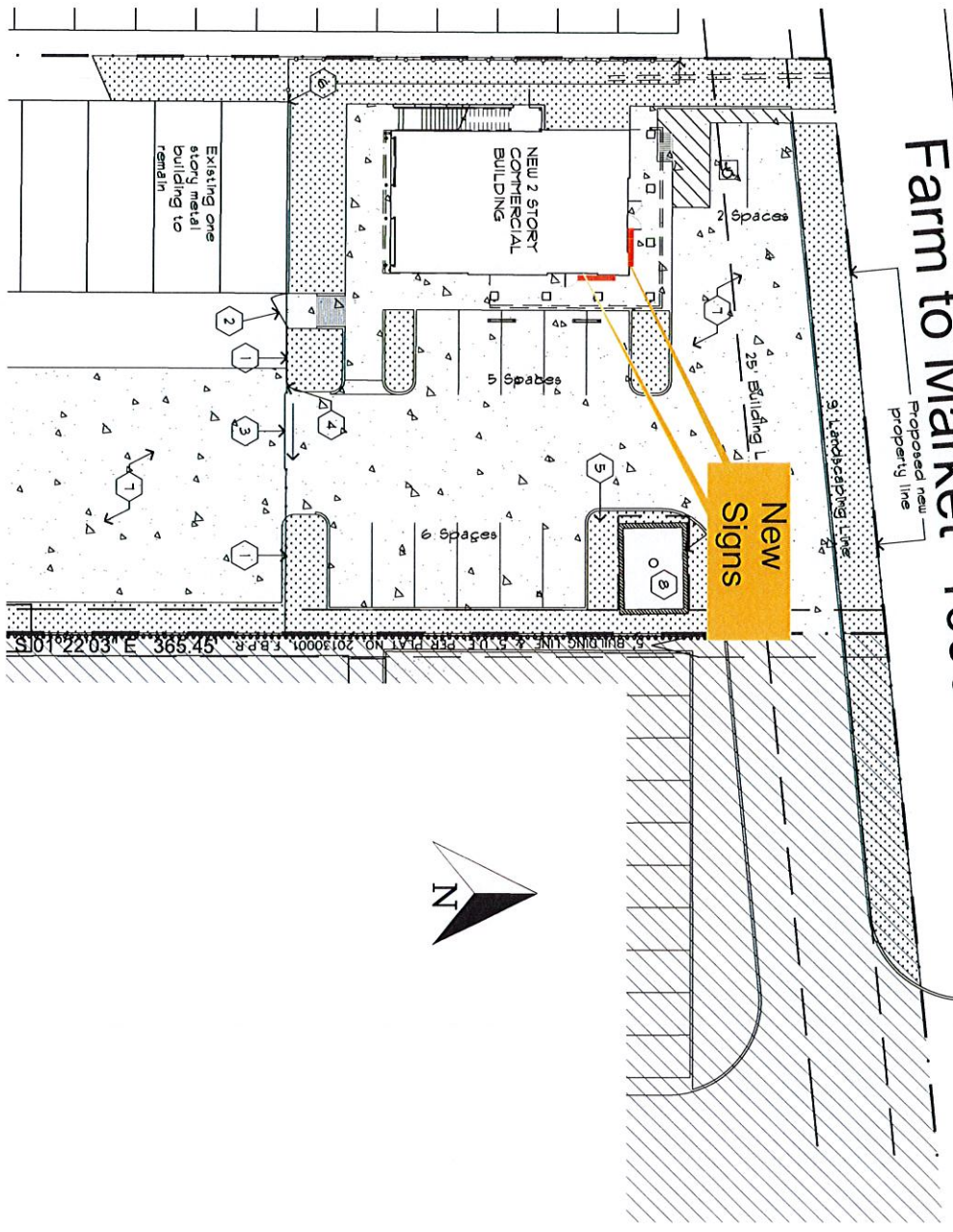
9. Landscaping Line

New
Signs

25' Building L

NEW 2 STORY
COMMERCIAL
BUILDING

Existing one
story metal
building to
remain



14 Enlarged Site Plan

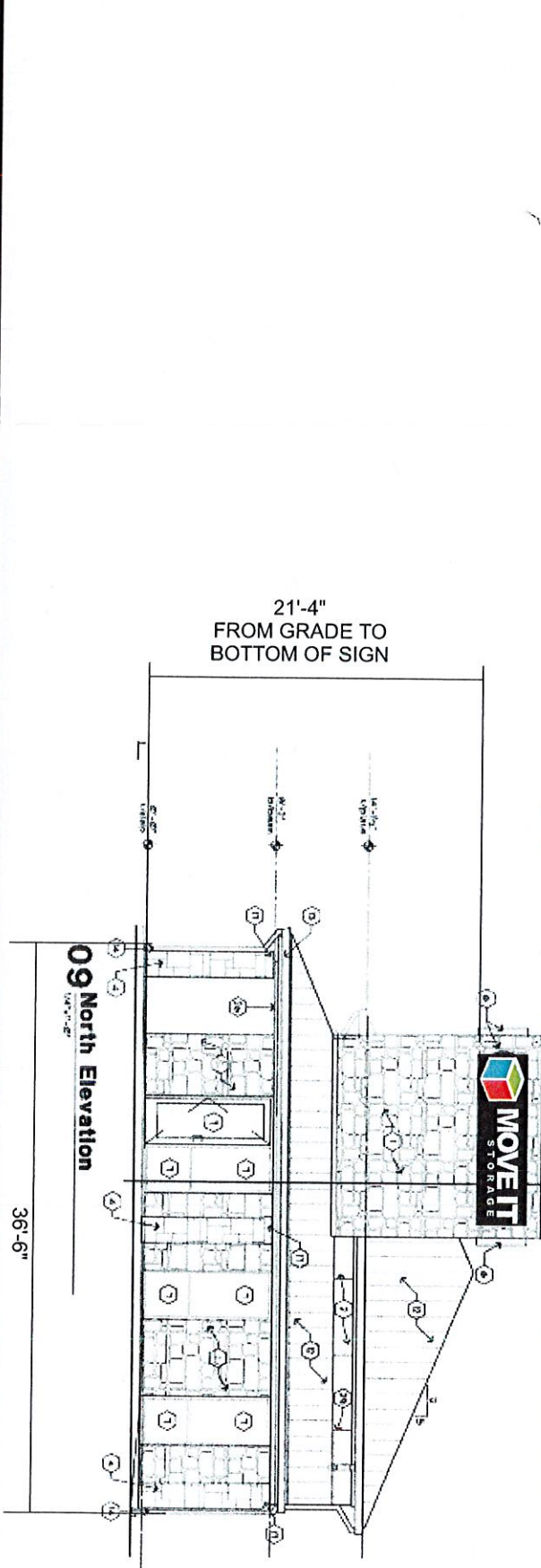
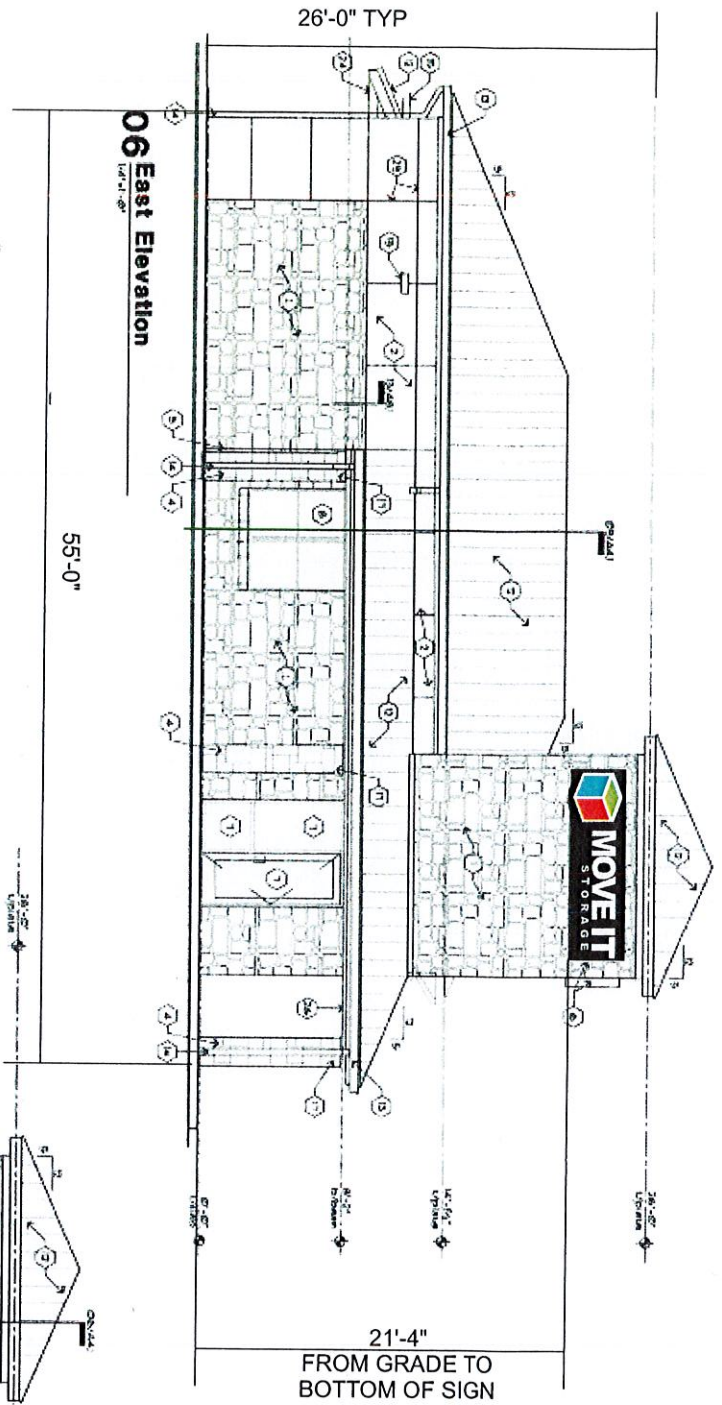
Color renderings are for presentation only and should not be considered as manufacturing drawings.

Move It Self Storage
29625 FM 1093
Fulshear, TX (Fort Bend County)

Approval: _____ Date: _____

Customer: Move It Self Storage
Created: 8-14-19
Revised: 8-21-19
Dwg: Site 103 Fulshear

Scale: Proportional
Illustrated by: Smith

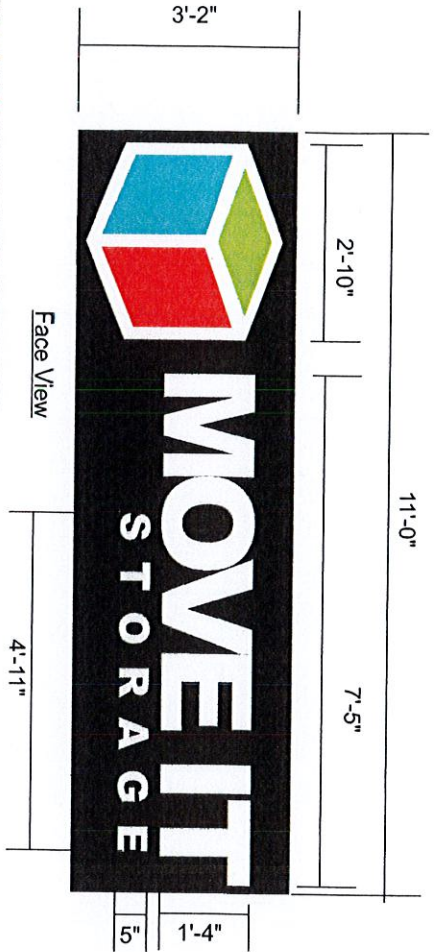


Move It Self Storage
 29625 FM 1093
 Fulshear, TX (Fort Bend County)

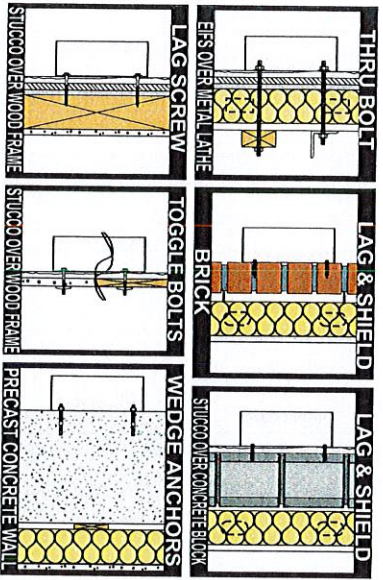
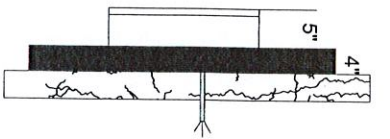
Customer: Move It Self Storage
 Created: 8-14-19
 Revised: 8.21.19
 Dwg: Permit 102 Fulshear

Approval: _____ Date: _____

Scale: Proportional
 Illustrated by: Smith



Logo=	8.97 SF
MOVE IT=	9.8 SF
Storage=	2.5 SF
Total=	21.27 SF



ELECTRICAL NOTES

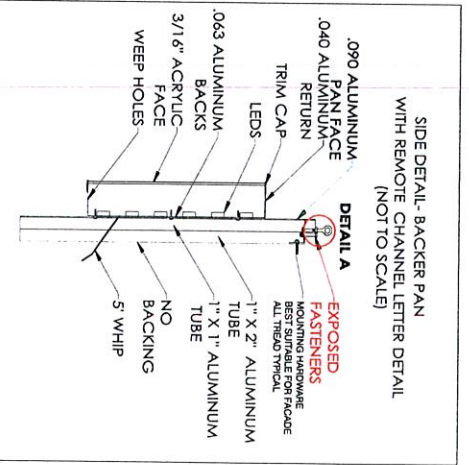
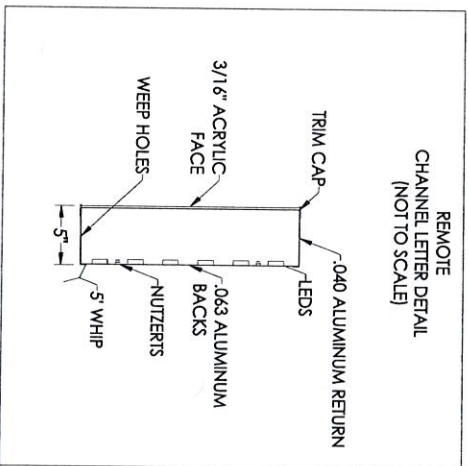
All signage to be installed in compliance with National and Local Electrical Code

All signage to be constructed and installed in compliance with UL Standards



ELECTRICAL NOTE-Actual # of circuits to be determined by a Licensed Electrical Contractor
 TOTAL AMPS- 5
 # OF CKTS- 1 20 AMP(RECOMMENDED)
 VOLTS- 120
 ALL SIGNAGE WILL BE (U.L.) LISTED, (U.L.) 2161 COMPLIANT AND CARRY (U.L.) LABELS.

U.L. Approved Sign w/ Labels. All Components U.L. Approved.
 Install Per NEC 2011, Grounding As Per NEC Article 250 and FBC 2017, 6th Edition.
 LED Power Supply 120 Volt Input 12 Volt DC Output. Each Power Supply 1.0 Amp



Proposed:
 New Logo & Channel Letters w / Black Carrier Cabinet
 White PCB Face w/ White Trim & Returns
 Internally Illuminated w/ White LED Modules
 Survey Required To Determine Exact Size

Color renderings are for presentation only and should not be considered as manufacturing drawings.

Customer: Move It Self Storage
 Created: 8-14-19
 Revised: 9.21.19
 Dwg: Permit101 Fulshear

Scale: Proportional
 Illustrated by: Smith

Move It Self Storage
 29625 FM 1093
 Fulshear, TX (Fort Bend County)

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 11/19/2019

ITEMS: X.H.

**DATE
SUBMITTED:**

DEPARTMENT: Administration

PREPARED BY:

PRESENTER:

SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO PROVIDE CONSENT TO FORT BEND COUNTY TO PLACE A PARCEL WITHIN CROSS CREEK RANCH, DESIGNATED AS AN "ALL ABILITIES PARK," TO BE INCLUDED IN CAD

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

RECOMMENDATION