



“FIND YOUR FUTURE IN FULSHEAR”

6611 WEST CROSS CREEK BEND LANE/ PO BOX 279 ~ FULSHEAR, TEXAS 77441

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

WWW.FULSHEARTEXAS.GOV

CHAIRMAN- AMY PEARCE
MEMBER- BILL CLIFFORD
MEMBER- GRACE MALVEAUX

PLANNING & ZONING:
MEMBER- CHRISTOPHER MALLET
MEMBER- GREGORY EHMAN

CO-CHAIR- JOAN BERGER
MEMBER- JOHN DOWDALL

STAFF:

INTERIM CITY MANAGER: Zachary Goodlander

CITY SECRETARY: Mariela Rodriguez

CITY ATTORNEY: Byron Brown

PLANNING AND ZONING COMMISSION SPECIAL MEETING AGENDA APRIL 12, 2024

NOTICE IS HEREBY GIVEN OF A SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF FULSHEAR TO BE HELD ON FRIDAY, APRIL 12, 2024, AT 8:30 A.M. IN THE CITY OF FULSHEAR MUNICIPAL COMPLEX, 6611 WEST CROSS CREEK BEND LANE, FULSHEAR, TEXAS, FOR THE PURPOSE OF CONSIDERING THE FOLLOWING ITEMS.

Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning & Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks & Recreation Commission, Historic Preservation & Museum Commission, Zoning Board of Adjustment, Charter Review Commission, 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.”

Notice Pertaining to Social Distancing Requirements: In accordance with the Texas Open Meetings Act, Chapter 551, Government Code, this meeting shall be open to the public, except as provided by said Act. However, any members of the public who attend the meeting are individually responsible for complying with any applicable proclamation or order issued by the governor or any local official which may be in effect at the time of the meeting, including but not limited to any restrictions which may require such members of the public to implement social distancing, to minimize social gatherings, or to minimize in-person contact with people who are not in the same household.

1. Call to Order

2. Quorum

3. Citizen's Comments

Citizens who desire to address the Planning and Zoning Commission with regard to matters on the agenda will be received at this time. Each speaker is limited to three (3) minutes. Comments or discussion by planning and zoning members will only be made at the time the subject is scheduled for Consideration.

4. Public Hearing

The City of Fulshear will hold two Public Hearings regarding proposed zoning regulation text amendments specifically amendments to Article II and Article III of the Coordinated Development Ordinance (CDO), and Article VI of Chapter 8 of the Code of Ordinances. The first public hearing will be held by the Planning and Zoning Commission on April 12, 2024, at 8:30 a.m. The second public hearing will be held by the City Council on April 16, 2024, at 5:30 p.m. Each hearing will be held at the City of Fulshear Municipal Complex, located at 6611 W. Cross Creek Bend Ln., Fulshear, Texas 77441. Interested parties may appear at the public hearings and be heard with respect to the proposed amendments. A copy of the proposed amendments is on file at the City Secretary's office located in the City of Fulshear Municipal Complex and may be inspected on Monday through Thursdays from 8:00 a.m. to 5:00 p.m. and Fridays from 8:00 a.m. to 3:00 p.m. For questions regarding the proposed amendments, please call Joshua Brothers, City of Fulshear

5. Consideration and possible action to recommend approval of Ordinance No. 2024-1453, an Ordinance of the City of Fulshear, Texas, amending Chapter 28, "Coordinated Development Ordinance (CDO)", Article II and Article III of the Fulshear Code, for the amendment, repeal, or other change of various zoning regulations applicable to one or more zoning districts; providing for severability; providing for repeal; and providing for an effective date

6. Consideration and possible action to recommend approval of Ordinance No. 2024-1454, an Ordinance of the City of Fulshear, Texas, amending Chapter 8, "Buildings and Other Structures", Article VI, "Telecommunication Antennas and Towers", of the Fulshear Code

7. Consideration and possible action to recommend approval for the Fulshear Bend Drive Street Dedication No. 1 in Cross Creek West Final Plat Extension

8. Adjournment

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting regarding the matters listed above, as authorized by Texas Government Code Section 551.071 (if necessary consultation with attorney).

Note: In compliance with the American Disabilities Act, and to the extent applicable, 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, Katie Lewis, Assistant City Secretary of the City, do hereby certify that the above Notice of Meeting and Agenda for the Planning and Zoning Commission of the City of Fulshear, Texas was posted on Friday, April 05, 2024, by 5:00 p.m., in a place convenient and readily accessible at all times to the general public, in compliance with Chapter 551, TEXAS GOVERNMENT CODE.

Katie Lewis

Katie Lewis, Assistant City Secretary

NOTICE OF PUBLIC HEARING

The City of Fulshear will hold two public hearings regarding proposed zoning regulation text amendments. The first public hearing will be held by the Planning and Zoning Commission on April 5, 2024, at 8:30 a.m. The second public hearing will be held by the City Council on April 16, 2024, at 5:30 p.m. Each hearing will be held at the City of Fulshear Municipal Complex, located at 6611 W. Cross Creek Bend Ln., Fulshear, Texas 77441. Interested parties may appear at the public hearings and be heard with respect to the proposed amendments. A copy of the proposed amendments is on file at the City Secretary's office located in the City of Fulshear Municipal Complex and may be inspected on Monday through Thursdays from 8:00 a.m. to 5:00 p.m. and Fridays from 8:00 a.m. to 3:00 p.m. For questions regarding the proposed amendments, please call Joshua Brothers, City of Fulshear, 281-346-1796.

ORDINANCE NO. 2024-1453

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

* * * * *

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

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

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

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

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

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

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

"

| Table 28-2-11-2 Permitted Uses and Minimum Off-Street Parking Spaces | | | | |
|---|----------|----------------|----------------|-----------------|
| Use Category | Use Type | Minimum Spaces | Maximum Spaces | Cross Reference |

Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses

| Hospitality | | | | |
|---|---|-------------------|----------------------|--------------|
| Bed and Breakfast Inn | C | 1 per guest room | 1 per guest room | Sec. 28-2-16 |
| Restaurant, Dine-In | P | 1 per 200 sf. GFA | 1 per 100 sf. GFA | — |
| Office and Professional | | | | |
| Bank or Credit Union and Financial Services, No Drive-Through | P | 1 per 450 sf. GFA | 1 per 250 sf. of GFA | Sec. 28-2-16 |
| Medical Office / Clinic, Labs, and Urgent Care Center | C | 1 per 500 sf. GFA | 1 per 250 sf. GFA | Sec. 28-2-16 |
| Office, General | C | 1 per 400 sf. GFA | 1 per 250 sf. GFA | Sec. 28-2-16 |

| Retail and Service | | | | |
|---|---|----------------------|-------------------|--------------|
| Convenience Store without gas pumps | P | 1 per 400 sf. GFA | 1 per 200 sf. GFA | — |
| Gas Station | P | 1 per 400 sf. GFA | 1 per 200 sf. GFA | — |
| Restaurant, Drive-Through | C | 1 per 250 sf. GFA | 1 per 150 sf. GFA | — |
| Mobile Vendor / Food Truck | C | — | — | Sec. 28-2-16 |
| Mobile Vending / Food Truck Park | S | — | — | Sec. 28-2-17 |
| Grocery / Retail | P | 1 per 400 sf. GFA | 1 per 200 sf. GFA | — |
| Dry Cleaning Establishment | P | 1 per 500 sf. GFA | 1 per 200 sf. GFA | — |
| Massage Parlor | C | 1 per 400 sf. GFA | 1 per 200 sf. GFA | — |
| Hemp and Cannabinoid sales including Smoke Shop | S | 1 per 250 sf. of GFA | 1 per 150 sf. GFA | — |
| Public, Institutional, and Utility | | | | |
| Adult Day Care Center | P | 1 per 400 sf. GFA | 1 per 250 sf. GFA | — |
| Government Office (Post Office, Administration) | P | 1 per 400 sf. GFA | 1 per 150 sf. GFA | — |

| | | | | |
|--|---|--|---|--------------|
| Day Care Center | P | 1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students | 1 per employee + 1 per 5 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 8 students | — |
| Governmental Service (Police, Fire, Emergency, Medical Services) | C | 1 per 300 sf. GFA | 1 per 250 sf. GFA | Sec. 28-2-16 |
| Library | P | 1 per 1,000 sf. GFA | 1 per 300 sf. of GFA | |
| Park and Outdoor Recreation, Non-Commercial | P | 2 per 1 acre; minimum of 10 | 5 per 1 acre; minimum of 10 | — |
| Place of Assembly, Indoor | C | Greater of: 1 per 350 sf. or 1 per 4 seats in assembly area | Greater of: 1 per 200 sf. or 1 per 3 seats in assembly area | Sec. 28-2-16 |
| Automobile / Vehicle Wash | S | 1 per 4 bays for self- service washes; 1 per unattended automated wash; 5 per attended wash with detailing | 1 per 2 bays for self- service washes; 2 per unattended automated wash; 8 per attended wash with detailing | — |
| TABLE NOTES: sf. = square feet; GFA = Gross Floor Area | | | | |

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

| Table 28-2-13-2 Permitted Uses and Minimum Off-Street Parking Spaces | | | |
|---|----------|-----------------------|-----------------|
| Use Category | Use Type | Minimum Spaces | Cross-Reference |
| Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses | | | |
| Residential | | | |
| Single-Family Detached Dwelling | C | 2 per dwelling unit | — |
| Patio Home | C | 2 per dwelling unit | — |
| Single Family Attached Dwelling (duplex, twin home) | C | 2 per dwelling unit | — |
| Townhome | C | 1.5 per dwelling unit | — |

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

| | | | |
|------------------------------------|---|-------------------|--------------|
| Veterinary Clinic, Small Animal | C | 1 per 600 sf. GFA | Sec. 28-2-16 |
| Public, Institutional, and Utility | | | |

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

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

Section 3. Table 28-2-14-2 of the Fulshear Code is hereby amended to read as follows:

| Table 28-2-14-2 Permitted Uses and Minimum Off-Street Parking Spaces | | | | |
|---|----------|-------------------|-------------------|-----------------|
| Use Category | Use Type | Minimum Spaces | Maximum Spaces | Cross Reference |
| Legend: P = Permitted; C = Conditional; S = Specific; All other uses refer to Sec. 28-2-20, New, Unlisted, and Prohibited Land Uses | | | | |
| Automotive | | | | |
| Automobile, Motorcycle, and Farming Vehicle Rental ¹ | P | 1 per 500 sf. GFA | 1 per 200 sf. GFA | — |

| | | | | |
|---|----|---|---|---|
| Automobile / Motorcycle Parts and Accessories Sales | P | 1 per 500 sf. GFA | 1 per 200 sf. GFA | — |
| Automobile / Vehicle Wash | SP | 1 per 4 bays for self-service washes; 1 per unattended automated wash; 5 per attended wash with detailing | 1 per 2 bays for self-service washes; 2 per unattended automated wash; 8 per attended wash with detailing | — |

| | | | | |
|---|---|--|---|--------------|
| | | services | services | |
| Automobile / Motorcycle Repair, Light | P | 3 per vehicle bay | 5 per vehicle bay | — |
| Gas Station | P | 1 per 400 SF GFA | 1 per 200 SF GFA | — |
| Alcoholic Beverage Sales, Off-Site Consumption | C | 1 per 400 sf. | 1 per 200 sf. GFA | Sec. 28-2-16 |
| Alcoholic Beverage Sales, On-Site Consumption | C | 1 per 200 sf. | 1 per 100 sf. GFA | Sec. 28-2-16 |
| Hotel, Full Service and Hotel, Residence | C | .8 per guest room + 1 per 600 sf. public meeting area and restaurant space | 1 per guest room + 1 per 400 sf. public meeting area and restaurant space | Sec. 28-2-16 |
| Restaurant, Brewpub, Winery or Distillery | C | 1 per 150 SF GFA | 1 per 75 sf. GFA | Sec. 28-2-16 |
| Restaurant, Dine-In | P | 1 per 200 SF GFA | 1 per 100 sf. GFA | — |
| Restaurant, Drive-Through | C | 1 per 250 SF GFA | 1 per space 150 SF GFA | Sec. 28-2-16 |
| Mobile Vendor / Food Truck | C | | | Sec. 28-2-16 |
| Mobile Vending / Food Truck Park | S | — | — | Sec. 28-2-17 |
| Office and Professional | | | | |
| Bank, or Credit Union, and Financial Services with Drive-Through | C | 1 per 450 sf. GFA | 1 per 250 sf. GFA | Sec. 28-2-16 |
| Bank, or Credit Union, and Financial Services without Drive-Through | P | 1 per 450 sf. GFA | 1 per 250 sf. GFA | — |
| Hospital | P | .5 per bed + 1 per full- and part-time employee | 1 per bed + 1.5 per full- and part-time employee | — |

| | | | | |
|---|---|-----------------------------------|----------------------|---|
| Medical Office / Clinic, Labs, and Urgent Care Center | P | 1 per 500 sf. GFA | 1 per 250 sf. GFA | — |
| Office, General | P | 1 per 400 sf. GFA | 1 per 250 sf. GFA | — |
| Research Laboratory | P | 1 per 1,000 sf. GFA | 1 per 300 sf. GFA | — |
| Public, Institutional, and Utility | | | | |
| Adult Day Care Center | P | 1 per 600 sf. of GFA | 1 per 250 sf. of GFA | — |
| Airport/Heliport | S | See Sec. 28-3-19, Special Studies | | — |
| Art Gallery/Museum | P | N/A | 1 per 350 sf. of GFA | — |

| | | | | |
|---|---|--|---|--------------|
| Assisted Living or Nursing Home | P | 0.3 per bed + 0.75 per employee | 1 per bed + 1 per employee | — |
| Cemetery/Funeral Services | S | NA | NA | — |
| Day Care Center | P | 1 per employee + 1 per 8 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 10 students | 1 per employee + 1 per 5 students or if five stacking spaces in accordance with Sec. 28-3-16, then only 1 per employee + 1 per 8 students | — |
| Government Office (Post Office, Administration) | P | 1 per 400 sf. GFA | 1 per 150 sf. GFA | — |
| Governmental Service (Police, Fire, EMS) | P | 1 per 300 sf. GFA | 1 per 150 sf. GFA | — |
| Library | P | 1 per 1,000 sf. | 1 per 300 sf. of GFA | — |
| Park and Outdoor Recreation, Non-Commercial | P | 2 per 1 acre; minimum of 10 | 5 per 1 acre; minimum of 10 | — |
| Place of Assembly, Indoor | P | Greater of: 1 space per 350 sf. or 1 per 4 seats in the assembly area | Greater of: 1 per 200 sf. or 1 per 3 seats in the assembly area | — |
| School, High or Vocational | P | 1 per employee + 1 per four students | 1 employee + 1 per two students | — |
| School, Primary | P | 1 per employee + 1 per five students | 1 employee + 1 per three students | — |
| Water Storage Facility | C | 1 per employee on largest shift | 0.75 per employee on largest shift | Sec. 28-2-16 |

| | | | | |
|---|---|---|--|--|
| Wireless Communications Tower | S | 1 per tower | 3 per tower | See Chapter 8, Article VI of City's Code of Ordinances |
| Recreation and Amusement | | | | |
| Amphitheater or Outdoor Performance Venue | C | 1 per 6 seats or 1 per 50 sf. if no permanent seats | 1 per 4 seats or 1 per 30 sf. if no permanent seats | Sec. 28-2-16 |
| Conference and Convention Center | C | See Sec. 28-3-19, Special Studies | | Sec. 28-2-16 |
| Driving Range, Freestanding | C | 1 per 3 pads or 1 per 300 sf. of play area if no pads | 1 per 1 pad or 1 per 100 sf. of play area if no pads | Sec. 28-2-16 |
| Golf Course | C | 5 per hole | 10 per hole | Sec. 28-2-16 |
| Health and Fitness Club | C | 1 per 400 sf. | 1 per 200 sf. | Sec. 28-2-16 |

| | | | | |
|---|---|---|---|--------------|
| Massage Parlor | C | 1 per 400 sf. | 1 per 200 sf. | Sec. 28-2-16 |
| Recreation and Amusement, Indoor (other than listed) | C | 1 per 6 seats or 1.5 per 450 sf. of GFA if no permanent seats | 1 per 4 seats or 1.5 per 150 sf. of GFA if no permanent seats | Sec. 28-2-16 |
| Recreation and Amusement, Outdoor (other than listed) | C | 1 per 1,000 sf. outdoor recreation area | 1 per 500 sf. outdoor recreation area | Sec. 28-2-16 |
| Shooting or Archery Range, Indoor | C | 1 per 3 bays or 1 per 100 sf. of firing area if no pads | 1 per pad or 1 per 100 sf. of firing area if no pads | Sec. 28-2-16 |
| Retail and Service | | | | |
| Department Store | P | 1 per 500 sf. of GFA | 1 per 200 sf. of GFA | — |
| Dry Cleaning Establishment | P | 1 per 500 sf. GFA | 1 per 200 sf. GFA | — |
| Greenhouse/Nursery | C | 1 per 500 sf. of retail area | 1 per 200 sf. of retail area | Sec. 28-2-16 |
| Hardware Store | P | 1 per 500 sf. of GFA | 1 per 200 sf. of GFA | — |
| Hemp and Cannabinoid Sales, including Smoke Shop | S | 1 per 250 sf. of GFA | 1 per 150 sf. GFA | — |
| Home Furnishing Store | P | 1 per 1,000 sf. of GFA | 1 per 500 sf. GFA | — |
| Kennel/Animal Shelter | C | 1 per 600 sf. of GFA | 1 per 200 sf. of GFA | Sec. 28-2-16 |
| Lumber Yard | C | 1 per 500 sf. of GFA | 1 per 300 sf. of GFA | Sec. 28-2-16 |
| Grocery/Retail | P | 1 per 400 sf. of GFA | 1 per 200 sf. GFA | — |

| | | | | |
|--|---|----------------------|-------------------|---|
| Shopping Center | P | 1 per 350 sf. of GFA | 1 per 200 sf. GFA | — |
| Veterinary Clinic, Small Animal | P | 1 per 600 sf. of GFA | 1 per 300 sf. GFA | — |
| TABLE NOTES: sf. = square feet; GFA = Gross Floor Area ¹ Does not include a parking space for each rental vehicle. | | | | |

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

“(c) Standards for residential uses.

- (1) Apartments in the semi-urban (SU) district. Apartment buildings and complexes are permitted within a planned neighborhood subject to its standards and procedures.
- (2) Apartments in the Downtown District (DD). Apartments are permitted in the Downtown District provided that the density does not surpass what is allowed in the SU District. An additional increase of 10 units per acre is allowed within 150 feet of Harris Street. Additionally, 70% of all units must be above a commercial use and not located on the ground floor. Ground floor units shall not be visible from FM 1093, Huggins Road, Wallis Street, Harris Street, Katy-Fulshear Road, or FM 359.

~~(3) Assisted Living or Nursing Home in the Downtown District (DD). Any drive throughs, drop off zones, or porte cocheres shall be located in the rear of the building or on a side yard to maintain the pedestrian character of the street frontage.~~

~~(4)(3)~~ Child care, family home and child care facility, group home.

- a. The operator shall meet all the certification, licensing, and/or monitoring requirements of the State of Texas;
- b. The operator shall comply with all home occupation requirements; and
- c. Signage is restricted to a single two square foot non-illuminated placard or nameplate that must be affixed flat against the exterior wall of the home.

~~(5)(4)~~ Single-family attached, single-family detached, patio homes, and townhomes in the Downtown District (DD). The use is permitted provided that it is within 500 feet of existing structures of any two or more of the following existing uses:

- a. A park;
 - i. Common public space which contains a minimum of one active recreational apparatus.
 - ⇒ii. Common public green space that includes the preservation of a tree or trees that are 12” or greater in diameter and make up 10% of the overall property.
- ~~a-b.~~ A commercial business
- ~~b-c.~~ A school
- d. A place of worship
- ~~e-e.~~ Public Institution such as a courthouse, library, museum, or municipal facility.”

Formatted: Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Indent at: 1.75"

Section 5. Section 28-3-2(f)(1) of the Fulshear Code is hereby amended to read as follows:

“(f) *Screening of mechanical and service equipment.*

(1) *Ground-level equipment.* Ground-level exterior equipment, such as mechanical components, electrical drops, utility meter banks, and heating/cooling controls, shall be completely screened from ground-level public view through building wall extensions or installation of structural enclosures or dense, year-round vegetation.

- a. Structural enclosures or hedges that are used to satisfy this screening requirement shall be maintained at a height that is at least one foot higher than the equipment.
- b. Structural enclosures shall use materials and colors that match or are consistent with the design and materials of the principal building.

c. Propane tanks shall comply with the general requirements for ground-level equipment so long as those regulations are not in conflict with the state regulations concerning propane tanks.”

Section 6. Section 28-3-2(k) of the Fulshear Code is hereby amended to read as follows:

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

- (1) A minimum of 20% of all parking surface shall be permeable using crushed asphalt or porous concrete. No loose aggregate shall be allowed within the 20% of parking surface.
- (2) A stormwater cistern capturing a minimum of 50% of the roof's stormwater
 - a. the aesthetic of an above-ground cistern shall compliment the design and scheme of the principle structure
 - b. An above-ground cistern shall be landscaped
 - c. Cisterns used for rainwater collection purposes shall be placed at least 10' away from sanitary sewer lines,
 - d. If the Cistern is made of a fiberglass construction or does not complement or match the principal structure it shall be screened from public view.
- (3) A green roof such as solar panels or vegetation with a waterproof membrane in addition to a minimum of 50% of all site landscaping consisting of bioswales, rain gardens, or bioretention gardens

(4) A minimum of 50% of all site landscaping consisting of bioswales, rain gardens, or bioretention gardens

(5) A mature tree(s) with a diameter of 12” or greater with additional landscape intended to mitigate drainage. The preservation of mature trees within the Downtown District in addition to the installation of features or amenities such as approved picnic tables, park benches, a gazebo, or like features which promotes walkability and a sense of place may

qualify as civic space under the requirements of Section 28-3-8 (d) and as a park under Section 28-2-16 (c) (5).”

Section 7. Section 28-3-3(b) of the Fulshear Code is hereby amended to read as follows:

(b) *Applicability.* These standards apply to single-family detached and attached developments within the district(s) where they are permitted as set out in:

- (1) Section 28-2-6, suburban residential (SR);
- (2) Section 28-2-8, semi-urban residential (SU); and
- ~~(3) Section 28-3-10, downtown (DD).“~~

Section 8. Section 28-3-6(b) of the Fulshear Code is hereby amended to read as follows:

(b) *Applicability.* These standards apply to commercial retail and service and civic and institutional land uses within the district(s) where they are permitted as set out in:

- (1) Section 28-2-11, suburban commercial (SC);
- (2) Section 28-2-14, general commercial (GC); and
- (3) Section 28-2-13, downtown (DD).
- ~~(4) Section 28-2-15, industrial (IN).“~~

Section 9. Section 28-3-8(3) of the Fulshear code is hereby amended to read as follows:

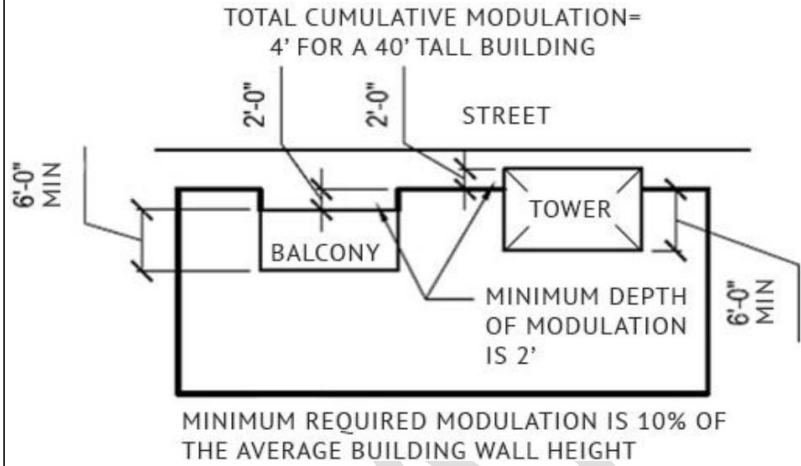
d. *Fenestration.*

- i. *Façades.* Any public-facing façade must incorporate fenestration. Fenestration patterns for street-level commercial uses must have a minimum 60 percent transparency between two feet and eight feet in height that allow views of indoor space or product display areas. Glass curtain walls, reflective glass, and painted or dark tinted glass are prohibited.
- ii. *Street visibility.* Upper and lower-story windows must be designed to overlook streets and public spaces to make these spaces comfortable and safe.
- iii. *Modulation.* The roof line of buildings must be modulated and include architectural features such as a decorative eave, trim, or cornice.
- iv. *Articulation.* Public-facing building façades must be articulated with projections or recesses that cumulatively equal 15 percent of the average building wall height, with a minimum depth of two feet. Such variations will contribute to the building architecture, which may be expressed in any manner provided the cumulative relief is achieved, as shown in figure 28-3-8-2, building wall articulation. The base of buildings must be articulated through use of

plinths, pilasters, or other elements.

Figure 28-3-8-2

Building Wall Articulation



e. Residential-only buildings.

- i. Buildings must have a primary entrance on the front façade which shall face a public or private right-of-way.
- ii. Covered front porches that are 10% of livable sq. ft. of the structure for single-family detached dwellings and 5% of livable sq. ft. of the structure for single-family attached dwellings, stoops, or balconies are required on the street-facing façades of residential buildings.
- iii. Two-Four or more of the following architectural features must also be present: wall sconces, a cupola or other tower element, oriel or bay window, exterior window molding, pointed spires, pilasters, dormers, gables of varying size and/or height, molding which provides relief on exterior, transom windows, metal roofs, chimneys, operable shutters, pier and beam including steps to the primary entrance, window awnings, half-radius top windows, or some other feature which provides visual interest.
- iv. New residential buildings shall have a slab foundation or pier and beam foundation no more than 30" above grade.
- v. New or reconstructed buildings must be built to the setbacks set out in table 28-2-13-1, building standards; provided, however, the front setback may be the average of the dwellings along the block face, excluding the lot of the new building.

vi Where a residential structure is setback 15 feet or more from the property line, a fence or wall is required on the boundary at a height of no more than 48" to demarcate the private from the public sphere and promote walkability.

f. Carports. Carports in the Downtown District must be entirely hidden from public view.

f.g. Garages. The garage door of a garage facing a public right-of-way shall be setback from the primary entrance, face an alleyway, not face the public right-of-way, or face the side street on a corner lot."

Formatted: Font: (Default) Segoe UI, 11 pt

Section 10. Section 28-3-20(a) of the Fulshear Code is hereby amended to read as follows:

(a) *Ingress and egress.*

(1) *Direct access to a public street.* Adequate provision for ingress and egress to all parking spaces shall be provided by driveways or maneuvering areas with direct access to a public street or to a private right-of-way easement.

(2) *Cross access.* Cross access shall be provided for all non-residential developments to all property lines that do not run adjacent to right-of-way.

(2) *Easement requirements.* A private right-of-way easement shall be:

- a. Legally binding in form and substance;
- b. Recorded in the office of the register of deeds of Fort Bend County; and
- c. A certified copy of the same, with evidence of recording thereon, shall be filed with the administrator."

Section 11. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 12. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

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

PASSED, APPROVED, and ADOPTED this 16th day of April, 2024

Aaron Groff, Mayor

ATTEST:

Mariela Rodriguez, City Secretary

DRAFT

ARTICLE VI. - TELECOMMUNICATION ANTENNAS AND TOWERS

DIVISION 1. - GENERALLY

Sec. 8-483. - Definitions.

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

Alteration means any modification, replacement, or reconstruction that increases the height or materially increases the dimension of a tower structure.

Antenna means a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission, receipt, or both, of electromagnetic waves.

Building official means the building official of the city or his designee.

Camouflage design or camouflage tower means the design of a tower or tower structure that blends into the surrounding environment and is visually unobtrusive. Examples of a camouflage design or tower are architecturally screened, roof-mounted antenna/array/equipment, building-mounted antenna/array/equipment that is painted and treated as an architectural element to blend with the existing building, designs that conceal the antenna/array/equipment, manmade trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures.

Chairperson means the chairperson of the city planning commission.

Commission means the city planning commission.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Grade means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and a line five feet from the building or structure.

Height of the building means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when the sidewalk or ground surface is not more than ten feet above the lowest grade.
- (2) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection (1) of this definition is more than ten feet above lowest grade.

Height of a stepped or terraced building is the maximum height of any segment of the building.

Height of the tower means the vertical distance between the finished grade at the base of the tower or the lowest point of contact with the building, and the highest point of the tower structure, including the antenna and fixtures, if any.

High mast light structure means a fixed, freestanding, uninhabitable structure of a minimum height of 100 feet, specifically designed to carry light fixtures that is built on land on, along or adjacent to streets, roads, highways and bridges maintained by the state or political subdivision of the state.

Historic district means a district so designated by city council or an area for which an application for designation has been initiated thereunder and has not been disapproved by city council.

Landmark means a property so designated by city council or a property for which an application for designation has been initiated thereunder and has not been disapproved by city council.

Minimum and general requirements means those requirements set out in division 4 of this article.

Park means any property of the state or political subdivision thereof that is designated for and restricted to use by the public for park purposes.

Public utility.

- (1) The term "public utility" means any person, company, corporation, cooperative, corporation, partnership, or any combination thereof, that is subject to both a municipal franchise agreement and the comprehensive regulatory system established by and defined in the Texas Public Utility Regulatory Act, that owns or operates for compensation equipment or facilities for:
 - a. Producing, generating, transmitting, distributing, selling, or furnishing electricity; or
 - b. The conveyance, transmission, or reception of communications over a telephone system as a dominant carrier.
- (2) The term "public utility" shall not include, as is defined in the Public Utility Regulatory Act, telegraph services, television stations, radio stations, community antenna television services, general radio-telephone services, or radio-telephone services authorized under the public mobile radio services rules of the Federal Communications Commission or private water companies.

Residence means any permanent building or structure containing habitable rooms for non-transient occupancy, designed and used primarily for living, sleeping, cooking and eating, which is intended to be used or occupied as a dwelling place for residential purposes, whether or not attached, including homes, town homes, patio-homes, duplexes, triplexes, quadraplexes, condominiums, and apartments. Multi-unit complexes shall be included as a ratio of one-eighth acre of land, or any fraction thereof, as being equivalent to one residential tract. For purposes of calculating the ratio of multi-unit complex acreage to residential tracts, only that portion of the multi-unit complex acreage within the residential test area shall be considered. Hotels, motels, boarding houses, group houses, halfway houses, nursing homes, hospitals, nursery

schools, schools, and child care facilities shall not be considered residences. A building or structure located on a lot or tract of land used as the site of a tower shall not be considered a residence so long as its primary use is to contain, house, store, and protect materials or equipment directly related to the purpose and use of the tower.

Residential means pertaining to the use of land for a residence as is defined in this section.

Residential area means the area around a proposed tower site that, within the residential test area, contains 50 percent or more tracts wholly or partially therein that are subject to residential restrictions or are in use for residential purposes.

Residential lot means:

- (1) A lot which is included within a recorded residential subdivision subject to any enforceable, valid and unexpired residential deed restrictions upon which a residence exists or may be constructed pursuant to those valid and applicable deed restrictions; or
- (2) An unrestricted lot upon which a residence exists.

Residential restrictions means one or more restrictive covenants limiting the use of the property to residential purposes that are contained or incorporated by reference in a properly recorded map, plat, replat, declaration, deed, judgment or other instrument filed in the county real property records, map records or deed records.

Residential test area means the circular area, as described herein, surrounding a proposed tower structure. The radius of the circle shall be at least ~~375~~200 feet and not more than ~~800~~400 feet, and the center of the circular area shall correspond to the center of the base of the proposed tower structure. The radius of the circular area shall conform to the following ratios:

- (1) ~~375~~200-foot radius at a tower height of 100 feet or less.
- (2) ~~600~~300-foot radius at a tower height of more than 100 feet but not more than 150 feet.
- (3) ~~800~~400-foot radius at a tower height of more than 150 feet.

Scenic area means those areas of the city so designated by city council, except that, for purposes of this article, any designated scenic area that has one or more high mast light structures within its boundaries shall not be deemed a scenic area.

Setback area means the circular area surrounding a proposed tower structure and which delineates the area between the site of the proposed tower and the nearest residential structure or residential restricted tract of land as established in this article.

Subdivision means all land encompassed within one or more maps or plats of land within the city that is divided into two or more parts and are recorded in the deed, map, or real property records of the county or counties in which the land covered by the map or plat is located.

Tower or tower structure means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. The term "tower" or

"tower structure" includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are, by way of example, but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae supports, water towers, and other similar self-supporting, trussed, or open framed structures.

Tract means a contiguous parcel of property under common ownership.

(Ord. No. 99-851, art. II, § 1, 2-17-1999)

Sec. 8-484. - Certain towers prohibited.

Towers that are supported in whole or in part, by guy wires and ground anchors are not allowed in the city.

(Ord. No. 99-851, art. II, § 1(EE), 2-17-1999)

Sec. 8-485. - Enforcement and penalties.

Violation of this article is unlawful. Failure of any person to comply with any provision of this article shall be punishable upon conviction by a fine of not less than \$500.00 or more than \$2,000.00. Each day the violation continues shall constitute a separate offense. All authority granted to the city attorney and the city and their designees under this article shall be exercised uniformly on behalf of and against all citizens and property of the city. Prior to the issuance of a citation under this article, the city shall furnish notice to the last known address of the tower owner of the alleged violation and shall afford the owner a reasonable opportunity to cure the violation, consistent with the risks posed by the violation and the efforts that would be required to cure it.

(Ord. No. 99-851, art. II, § 19, 2-17-1999)

Sec. 8-486. - Cumulative effect.

This article is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern. Without limitation, the issuance of a permit under this article shall not excuse compliance with the building code, including permits required thereunder.

(Ord. No. 99-851, art. II, § 20, 2-17-1999)

Sec. 8-487. - City attorney authorized to file suit to abate violation.

The city attorney is hereby authorized to file suit on behalf of the city in any court of competent jurisdiction to enjoin or abate a violation of this article. All authority granted to the city attorney under this article shall be exercised uniformly on behalf of and against all citizens and property in the city. This authorization shall be cumulative and in

addition to any other civil or criminal penalty provisions. The city, acting through the city attorney or any other attorney representing the city, may file an action in a court of competent jurisdiction to recover damages from the owner or the agent of the owner of a tower or tower structure in an amount adequate for the city to undertake any activity necessary to bring about compliance with this article.

(Ord. No. 99-851, art. II, § 21, 2-17-1999)

Secs. 8-488—8-512. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 8-513. - Tower permit required.

- (a) An application for a tower permit shall be submitted to the city planning commission and approved in accordance with the provisions of this article prior to the construction, placement, or alteration of any tower or tower structure, as defined in this article and not specifically excluded herein, that is located within the boundaries of the municipality.
- (b) A tower permit shall not be required for any tower repaired, replaced, or modified with no resulting increase in height or dimension and any tower repaired, replaced, or modified in order to comply with the requirements of any statute, regulation, order, or rule of the FCC, the FAA, or any other federal, state, or governmental agency or authority.
- (c) Notwithstanding any other provision of this article, the owner of any ~~antenna~~-tower structure for which a tower permit and building permit were issued prior to the effective date of the ordinance from which this article is derived, may, without obtaining a new permit, upon written notice to the building official, replace the tower with a new tower if the new tower structure complies with the requirements of this article and:
 - (1) Is specifically designed to accommodate additional antenna arrays;
 - (2) Is not higher than the tower structure being replaced;
 - (3) Is not more than ~~50~~100 feet from the location of the tower structure being replaced; and
 - (4) The center of the tower structure is no closer to the nearest residence than the center of the tower structure it replaces.

The new tower structure shall be assigned the same permit number as the tower structure it replaces. A tower structure may be replaced only once under this subsection.

(Ord. No. 99-851, art. II, § 2, 2-17-1999)

Sec. 8-514. - Exemptions.

This article does not apply to the following structures:

- (1) Church bell towers and religious symbols associated with a place of worship;
- (2) Tower structures less than 60 feet in height;
- (3) Tower structures used primarily for the support of amateur and citizens' band radio antennae;
- (4) Tower structures that are attached to, placed upon, or constructed on top of a building provided that the height of the tower structure does not exceed 60 feet or the height of the building upon which the tower is constructed, whichever is less;
- (5) Tower structures on real property owned, leased, held or used, or dedicated for use by a public utility for rendering its service, such as tower structures used primarily for the transmission of electrical power by a public utility or the conveyance of communications over a telephone wire-line system operated by a public utility;
- (6) High mast light structures or antennas built on land on, along or adjacent to streets, roads, highways and bridges maintained by the state or a political subdivision of the state;
- (7) Tower structures constructed or placed on land or other structures owned, leased, held or dedicated for use by the state or federal government or any political subdivision thereof, which land or other structures are used by the governmental entity primarily for rendering fire, police or other public protection services or utility services, whether or not the tower structure is used jointly by the governmental entity and any other public or private person or entity for other and additional public or private purposes; and
- (8) Temporary tower structures used as or in conjunction with construction cranes.

(Ord. No. 99-851, art. II, § 3, 2-17-1999)

Sec. 8-515. - Application procedures for a tower permit, fees.

- (a) An application for a tower permit shall be submitted to the city. The applicant shall, with the filing of the completed tower permit application, submit payment of the appropriate tower permit fees established by the city council that are calculated to reasonably cover the expenses of administering the provisions of this article.
- (b) The application shall not be considered complete unless accompanied by any drawings, descriptive data, filing fees, ownership information, and other pertinent data that may be required by the building official. Each application for a tower permit or for a waiver shall include envelopes addressed to the owners and a complete list of these owners, as is indicated by the most recently approved tax rolls, of all properties within the residential test area of the proposed tower site.
- (c) In the event that any of the required documentation, data, reports or drawings contain any false or erroneous information known to the applicant, then any permit

issued pursuant to that false or erroneous information shall be void with the same force and effect as if it had never been issued.

- (d) The city shall issue a permit for construction, placement or alteration of a tower only if it meets the requirements of this article.
- (e) On or before the 60th calendar day following the filing of the required application, the building official shall issue to the applicant a written notice of disapproval or preliminary approval of the tower permit. Any notice of disapproval of a tower permit application must include a written report explaining in detail the reasons for disapproval. Any preliminary approval shall be subject to the protest provisions of section 8-518, and, if no protest is timely filed thereunder, shall become a final approval on the business day next following the close of the protest period. The issuance of a written notice to the applicant shall be complete upon the deposit of the properly addressed notice in the United States mail, first class postage paid.

(Ord. No. 99-851, art. II, § 10, 2-17-1999)

Sec. 8-516. - Notice of pending application.

- (a) The notice requirements of this section apply only to applicants for tower permits for the construction, placement or alteration of towers subject to the requirements of this article and for waivers from the requirements of this article. When an application for waiver is not filed as part of the original application for a tower permit, the notice requirements of this section apply separately to the waiver application.
- (b) The applicant for a tower permit must post and use best efforts to maintain a sign on the subject tower site for a minimum of 30 calendar days beginning no later than the 60th calendar day following the date of the filing of the required completed application with the city. The sign shall be posted no more than 15 feet from the public right-of-way that is used as access to the tower site. The sign shall face each public right-of-way bordering the tower site and the lettering on the sign shall be legible from the public right-of-way. Each sign shall be a minimum of four feet by eight feet in size, with lettering that complies with specifications promulgated by the city. The sign shall contain at a minimum the following items of information:
 - (1) The proposed site of a tower;
 - (2) The proposed maximum height above grade of the proposed tower;
 - (3) The tower permit application number assigned to this project by the city; and
 - (4) The telephone number at the city where additional information concerning this project may be obtained.
- (c) The applicant shall remove the sign from the subject tower site after:
 - (1) The permit is obtained; or
 - (2) The appeals process is complete.
- (d) If, in the opinion of the building official, compliance with the requirements of this section is insufficient to provide adequate notification of the pending tower permit

application, the building official may require additional signs to be erected at locations as he deems advisable.

- (e) Written notice of the filing of each application for a tower permit or an application for a waiver, as provided for herein, shall be given to all property owners within the boundaries of the residential area or setback area, as applicable, determined in accordance with the provisions of section 8-547, as is indicated by the most recently approved tax rolls. Notice shall also be given to any civic organization, property owners association, or any other interested group, with identifiable boundaries, provided that the organization, association or group is registered with the city in a manner prescribed by the city. Notice to all owners of record and civic organizations registered with the city shall be deemed given if properly addressed and deposited in the United States mail, with first class postage paid. The required written notice shall be in a form prescribed by the city and shall be mailed no later than the tenth calendar day following the filing of the required completed application. The written notice shall include a map showing the proposed tower site and the surrounding residential test area or setback areas, as possible.
- (f) Written notice shall be published at least once in the official city newspaper not later than the seventh calendar day following the date of filing of the required completed application. The notice shall be published in the section of the newspaper in which other legal notices are commonly published, and shall be headed with the following words (or their reasonable equivalent), in conspicuous type: "NOTICE OF PROPOSED TOWER CONSTRUCTION." The notice shall state the height and location of the proposed tower site, describe the intended use of the tower, and advise that additional information may be obtained by writing or calling the city.
- (g) The written notice required in subsection (e) of this section shall include, at a minimum, the following:
 - (1) The name, address, and telephone number of the person or entity that will own the proposed tower structure;
 - (2) The name, address, and telephone number of the applicant if different from the owner of the proposed tower;
 - (3) The approximate proposed location of the tower structure including the street address (or nearest street intersection) and the name of the subdivision or survey if there is no recorded subdivision;
 - (4) The proposed use of the tower structure and site;
 - (5) The proposed maximum height above grade of the proposed tower structure; and
 - (6) That additional information may be obtained by writing or calling the office of the city.
- (h) The applicant shall be responsible for paying all costs associated with the giving of notice under this article.

(Ord. No. 99-851, art. II, § 11, 2-17-1999)

Sec. 8-517. - Waiver.

- (a) An application for a tower permit shall not be approved for a tower that is not in conformance with the regulations prescribed in this article unless a written application for a waiver has been submitted to and approved by the city council.
- (b) An applicant for a tower permit who receives written disapproval from the city may elect to submit a written application for a waiver to the city or may appeal the denial of the permit as provided in section 8-518. An application for a waiver from the requirements of this article may be filed simultaneously with the filing of the application for a tower permit. An application for a waiver made after the disapproval of the tower permit by the city shall be submitted not later than 2:00 p.m. on the seventh calendar day following issuance of the notice of disapproval. The building official may waive this deadline upon a finding of good cause.
- (c) An application for a waiver shall be submitted in the manner prescribed by the city citing the specific provision of this article from which a waiver is desired, the extent of the waiver sought, and the specific facts or reasons why the waiver is necessary along with all supporting information or documentation.
- (d) The city council is authorized to consider and grant a waiver from the provisions of this article, following a public hearing, when the city council finds that each of these conditions exist:
 - (1) That a literal application of this article will result in undue and unnecessary hardship to the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business;
 - (2) The waiver, if granted, will not be contrary to the public interest as implemented in this article;
 - (3) Consistent with the city's police power authority over towers, the waiver, if granted, will not be detrimental to the public health, safety, or welfare;
 - (4) The waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city; and
 - (5) The waiver, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park.
- (e) A waiver from the requirements of section 8-547 for an antenna tower shall not be granted unless, in addition to finding that each of the conditions expressed in subsection (d) of this section is satisfied, the city council, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:
 - (1) The approved tower or tower structure located within ~~1,000~~500750 feet of the proposed tower will not meet the applicant's engineering requirements;
 - (2) The approved tower or tower structure located within ~~1,000~~500750 feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;

- (3) The approved tower or tower structure located within ~~4,000~~500~~750~~ feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;
 - (4) The antenna array of the approved tower or tower structure located within ~~4,000~~500~~750~~ feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within ~~4,000~~500~~750~~ feet of the approved tower would cause interference with the antenna array of the approved tower;
 - (5) The approved tower or tower structure located within ~~4,000~~500~~750~~ feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;
 - (6) The approved tower or tower structure located within ~~4,000~~500~~750~~ feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable and industry-standard economic terms necessary to accommodate the requirements for the proposed antenna; or
 - (7) The approved tower or tower structure located within ~~4,000~~500~~750~~ feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.
- (f) The procedures prescribed in section 8-518(c) and (d) shall govern the hearing required on an application for a waiver.

(Ord. No. 99-851, art. II, § 12, 2-17-1999)

Sec. 8-518. - Protest and appeal; hearing procedures.

- (a) Any property owner, association or group within the residential area or setback area, as applicable, who has reasonable grounds to believe that approval of an application for a tower permit, the granting of a waiver, or the proposed construction will violate any applicable restriction, rule, regulation or ordinance may request a hearing before the city council to protest and present evidence establishing their allegations. The hearing request must state the specific grounds relied upon and be presented to the building official no later than 2:00 o'clock p.m. on the 37th calendar day following the date of filing of the required completed application for a tower permit or waiver, as applicable. Copies of all supporting documents, instruments, or other materials that are to be presented to the city council shall accompany the hearing request and shall be available for inspection and photocopying.
- (b) An applicant for a tower permit that has been denied by the building official has until 2:00 o'clock p.m. on the seventh calendar day following the issuance of a notice of

disapproval to file a written notice of appeal in the manner prescribed by the city. The building official may waive this requirement upon a finding of good cause.

- (c) Notice of the time, place and location of the public hearing at which the protest or appeal is to be presented must be given by the city secretary before the tenth day before the date of the hearing by:
 - (1) Publication in the official city newspaper;
 - (2) By written notice delivered to the applicant, which shall be served by depositing the same, properly addressed and postage paid, in the United States mail, first class postage; and
 - (3) By written notice delivered to each property owner, association or group registered with the city having an interest in property within the setback area. The written notice shall be served by depositing the same, properly addressed and postage paid, in the United States mail, first class postage.
- (d) All properly filed appeals and protests concerning the approval or disapproval of an application for a tower permit or the granting or refusal of an application for a waiver for a particular project shall be considered by the city council in a single public hearing. The public hearing shall be scheduled by the city council at the next available city council meeting, assuming that proper notice has been given.
- (e) The city council, following a public hearing, is authorized to deny a tower permit that is the subject of a protest under subsection (a) of this section upon finding, based on substantial evidence, any of the following:
 - (1) The tower permit, if granted, will result in the violation of an applicable rule, regulation or ordinance enforceable by the city;
 - (2) The tower permit, if granted, will result in the violation of an applicable deed restriction or zoning regulation; or
 - (3) The information contained in the application is erroneous or the building official's analysis of the permit application is based on erroneous information.
- (f) The city council, following a public hearing, is authorized to deny a tower permit that is the subject of an appeal under subsection (b) of this section upon finding, based on substantial evidence, that the decision of the building official to deny the tower permit is erroneous or the building official's analysis of the tower permit application or information therein is erroneous.
- (g) If the city council denies the appeal of the denial of an application for a tower permit, a waiver or otherwise refuses to approve a tower permit as a result of a protest, the city council shall issue a written report explaining in detail the reasons for the rejection, disapproval or refusal and such rejection, disapproval or refusal is supported by substantial evidence contained in a written record as required by federal statute. The written report shall be issued and delivered to the applicant not later than 30 days from the date the decision was made.

- (h) The decision of the city council concerning the issuance or denial of a tower permit or the granting or refusal of a waiver shall be the final administrative determination of the issue presented.

(Ord. No. 99-851, art. II, § 13, 2-17-1999)

Sec. 8-519. - Building permit requirement and plan review.

- (a) A tower permit obtained pursuant to the provisions of this article shall become invalid after the passage of 180 days from the date of final approval of the tower permit unless any required building permit for the construction or alteration of the tower has been obtained before the expiration of that 180-day period. The building official may extend such 180-day period for up to an additional 180 days upon good cause shown.
- (b) The construction, placement or alteration of a tower is subject to any plan review, permitting requirement or hearing process applicable to commercial construction in general which is required either by ordinance or by the rules promulgated by the building official; provided that the regulation or rules are consistent with the provisions of this article.

(Ord. No. 99-851, art. II, § 14, 2-17-1999)

Secs. 8-520—8-546. - Reserved.

DIVISION 3. - REGULATIONS

Sec. 8-547. - Location of towers.

- (a) A tower permit shall not be approved for the construction of a tower on a lot, tract or parcel of land where the construction of a tower is prohibited, expressly or impliedly, by duly recorded and unexpired deed restrictions or covenants running with the land.
- (b) ~~A tower permit shall not be approved for the construction or alteration of a tower structure in a residential area.~~
- (c) Unless otherwise granted a waiver (as defined herein) or other similar relief, A tower permit shall not be approved for the construction or alteration of a tower structure unless the proposed tower structure is located a distance at least equal to the applicable setback area established by subsection (g) of this section.
- (d) A tower permit shall not be approved for the construction or alteration of a tower structure in a historic district ~~as so designated by the appropriate state or federal agency in charge of such designations~~, unless the proposed tower conforms to the requirements for camouflage design and the city has issued a certificate of appropriateness for the construction of the proposed tower.
- (e) In an area within one-quarter mile of an historic district or landmark, a tower permit shall not be approved for the construction or alteration of a tower structure unless:

- (1) The proposed tower is located from the historic district or landmark, as applicable ~~and as so designated by the appropriate state or federal agency in charge of such designations~~, a distance at least equal to the applicable setback area established by subsection (g) of this section, which shall for this limited purpose apply without regard to the existence of any residential lot; for purposes of this requirement, measurements shall be made from the perimeter of the historic district or landmark; and
 - (2) One or more intervening buildings, structures, topological features or trees will substantially obstruct a person's sight line of the tower structure from ground level at the perimeter of the historic district or landmark, as applicable.
- (f) Unless otherwise granted a waiver (as defined herein) or other similar relief, A tower permit shall not be issued for the construction or alteration of a tower structure in a scenic area, nor shall a tower permit be issued for the construction or alteration of a tower structure in a park or on a tract adjacent to a park.
 - (g) Unless otherwise granted a waiver (as defined herein) or other similar relief, A tower permit shall not be approved for the construction or alteration of a tower structure unless the distance between the center of the base of a tower and the nearest residential lot (other than the lot containing the proposed tower structure, if applicable) is at least 2½2 times the height of the tower or tower structure and antenna. The foregoing measurement shall be made to the nearest point on the property line of the residential lot.
 - (h) Safety issues will be fully addressed by applicants requesting a permit. Towers should be located in such a manner that if the structure should fall along its longest dimension or separate fall zone as designated in writing by a licensed engineer ("Fall Zone"), it will remain within the ~~owned or leased property boundaries of the service provider~~Fall Zone and avoid habitable structures, public streets, utility lines and other antennas or towers located on other parcels unless support structures are of sufficient strength and design. ~~If a proposed tower has a potential for affecting a nearby property or structure upon collapse or scattering of equipment debris, the situation must be addressed by applicant.~~
 - (i) A tower permit shall not be approved for the construction or alteration of a tower structure within ~~1,000~~500750 feet of an existing and properly approved tower structure, other than a tower structure for which a permit would not be required under this article. For purposes of this requirement, a tower structure is considered to be approved when a tower permit has been properly issued pursuant to this article and the tower structure has been properly constructed or any building permit issued thereunder remains in effect. The city shall promulgate rules and procedures for establishing precedent to the extent of conflict between two or more tower structures.
 - (j) Property uses and distances referred to in this section shall be determined as of the date and time that the completed tower permit application is filed.

(Ord. No. 99-851, art. II, § 4, 2-17-1999)

Sec. 8-548. - Tower structure and antenna.

Each antenna tower structure for which a permit is approved and issued shall be designed, engineered and constructed to accommodate the placement of a minimum of two antenna arrays. This requirement shall not apply to a camouflage tower.

(Ord. No. 99-851, art. II, § 5, 2-17-1999)

Sec. 8-549. - Security fence.

- (a) The base of a tower shall be completely enclosed by a fence, wall, or barrier which limits climbing access to the tower and any supporting systems, lines, wires, buildings, or other structures.
- (b) The fence, wall or barrier required by subsection (a) of this section shall not be less than eight feet in height ~~(including barbed wire for security purposes)~~ with no openings, holes or gaps larger than four inches measured in any direction. Gates and doors opening directly into the area enclosed by a fence, wall or barrier, as required by this section, shall be equipped with a lock to keep and capable of keeping the doors or gates securely closed and locked at all times.
- (c) The requirements of this section do not apply to:
 - (1) Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower; or
 - (2) Existing tower sites having security fences at least six feet in height.

(Ord. No. 99-851, art. II, § 6, 2-17-1999)

Sec. 8-550. - Screening fence.

- (a) The base of a tower, including all mechanical equipment and accessory structures, shall be screened from view of residential lots by existing vegetation or other barrier, or if no existing vegetation or other barrier exists, a wooden, substantially opaque screening fence designed and built to provide privacy with a minimum height of eight feet.
- (b) The screening fence may contain gates or doors allowing access to the tower and accessory structures for maintenance purposes, which shall be kept completely closed except for maintenance purposes and shall be located a minimum of 18 feet from the public right-of-way.
- (c) The requirements of this section do not apply to:
 - (1) Any tower constructed or placed a distance of more than four times the height of the tower structure from all residential lots; or
 - (2) Any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower.
- (d) When both section 8-549 and this section are applicable, a single fence conforming to all applicable requirements of both sections may be provided.

(Ord. No. 99-851, art. II, § 7, 2-17-1999)

Sec. 8-551. - Landscaping.

- (a) A tower site shall have landscaping maintained in a healthy, growing condition at all times and in compliance with all applicable ordinances, deed restrictions and regulations.
- (b) At a minimum, a tower site shall have one large evergreen shrub capable of reaching a minimum height of four feet for each four linear feet of required screening fence; provided that not less than eight large shrubs shall be provided for each tower site. the shrubs required by this subsection shall be installed at the tower site along the exterior side of the screening fence required by section 8-550. All shrubs provided pursuant to this subsection shall be installed at the tower site along the exterior side of the screening fence required in section 8-550.
- (c) At a minimum, a tower site shall have one evergreen tree, with a minimum caliper of four inches, for each 50 linear feet of required screening fence; provided that not less than one such tree shall be provided for each public right-of-way or private street which borders the tract upon which such tower is located.
- (d) The person or entity in whose name the tower permit is issued shall have complete responsibility for the maintenance of all landscaping required by this section.
- (e) Any tower site that is excluded from the screening requirements of section 8-550 shall also be excluded from the landscape requirements of this section for which any amount of linear footage of screening fence is required.

(Ord. No. 99-851, art. II, § 8, 2-17-1999)

Sec. 8-552. - Signs and lights.

- (a) Lettering, signs, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall not be placed on or affixed to any part of a tower, antenna array, or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.
- (b) A tower or tower structure shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required by law or regulation, a design that reasonably minimizes disturbance to any adjacent residence or landmark shall be utilized.

(Ord. No. 99-851, art. II, § 9, 2-17-1999)

Sec. 8-553. - Maintenance and inspection.

- (a) All buildings, structures, supporting structures, wires, fences, or ground areas used in connection with a tower shall be maintained in a safe condition and in good working order. All equipment or machinery required by the building code, the fire code, or any

other applicable regulation or ordinance for a building or structure or supporting structure or device shall be maintained in good working order. The owner or operator of a tower shall be responsible for the maintenance of the tower, supporting structures, buildings, fences and ground areas.

- (b) By applying for a tower permit under this article, the applicant specifically grants permission to the city, its duly authorized agents, officials and employees, to enter upon the property for which a permit or waiver is sought, after first providing reasonable advance -notice, for the purpose of making all inspections required or authorized to be made under this article, the fire code, the building code, this Code or any other applicable regulation, rule or article.

(Ord. No. 99-851, art. II, § 15, 2-17-1999)

Sec. 8-554. - Removal of towers.

Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of the antenna or tower shall remove same within 90 days of receipt of written notice from the building official notifying the owner of the abandonment. If the antenna or tower is not removed within the 90 days, the city may remove the antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the antenna or tower.

(Ord. No. 99-851, art. II, § 16, 2-17-1999)

Sec. 8-555. - Deed restriction affidavit.

- (a) Every applicant for a tower permit or a waiver shall furnished to the city an affidavit setting forth that the applicant is familiar with the title to the real property to which the requested permit pertains and that the intended use will not violate any applicable deed restrictions. The affidavit shall be accompanied with a certified copy of the instruments containing the deed restrictions, the instrument of revocation or termination, the declaratory judgment or any other recorded document containing restrictions that affect the use of the property.
- (b) A tower permit shall not be issued until the requested affidavit and supporting documentation has been produced. Any permit issued on the basis of erroneous documentation known to the applicant or an affidavit which contains false information known to the applicant is void with the same force and effect as if it had never been issued and without the necessity of any action by the city or any other person or agency. A tower permit shall not be issued for the construction or alteration of a tower if the use or the intended use will be in violation of the recorded deed restrictions.

(Ord. No. 99-851, art. II, § 17, 2-17-1999)

Sec. 8-556. - Permitted hours for construction and maintenance.

Construction, placement, removal and maintenance of, the alternations or modifications to, a tower or equipment storage facility for a tower shall not be performed except between the hours of 7:00 a.m. and 9:00 p.m. of any day, except in a bona fide emergency; provided, however, that the owner, operator or his agents may perform regular maintenance between the hours of 9:00 p.m. through 7:00 a.m. as long as it does not create an unreasonable noise.

(Ord. No. 99-851, art. II, § 18, 2-17-1999)

Sec. 8-557. - Transitional provision.

The provisions of this article shall apply only to towers constructed, placed, or altered after the effective date of the ordinance from which this article is derived or amendments thereto, as applicable, except for the fencing requirements of sections 8-549 and 8-550 which shall be applicable to all towers subject to this article.

(Ord. No. 99-851, art. II, § 22, 2-17-1999)

Secs. 8-558—8-577. - Reserved.

DIVISION 4. - MINIMUM STANDARDS AND GENERAL REQUIREMENTS

Sec. 8-578. - General.

This division defines the minimum and general requirements for the design, materials, fabrication, installation and operation of a communication tower and antenna. The owner shall be solely responsible for compliance with all provisions defined herein.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-579. - Applicable standards, codes and regulations.

Design, materials, fabrication, inspection, testing, installation and operation of all towers and antennas shall be in accordance with the latest edition of all federal, state, county, and city regulations, and industry codes and standards, including, but not limited to, the following:

- (1) Federal Communication Commission (FCC).
- (2) Federal Aviation Administration (FAA).
- (3) Environmental Protection Agency (EPA).
- (4) Occupational Safety Health Act (OSHA).
- (5) Texas Natural Resources Conservation Commission (TNRCC).
- (6) Federal Endangered Species Act.
- (7) National Fire Protection Association (NFPA).

- (8) National Electrical Code (NFPA-70-NEC).
- (9) Underwriters Laboratories (UL).
- (10) United States Geological Survey (USGS).
- (11) International Building Code.
- (12) American Society of Civil Engineers (ASCE).
- (13) American Welding Society (AWS).
- (14) American Society of Testing Materials (ASTM).
- (15) American Institute of Steel Construction (AISC).
- (16) American Society of Mechanical Engineers (ASME).
- (17) American National Standards Institute (ANSI).
- (18) Electronic Industries Association (EIA).
- (19) American Concrete Institute (ACI).
- (20) Insulated Cable Engineers Association (ICEA).
- (21) Institute of Electrical and Electronic Engineers (IEEE).
- (22) Illuminating Engineering Society of North America (IES).
- (23) Instrument Society of America (ISA).
- (24) Lightning Protection Institute (LPI).
- (25) National Electrical Manufacturers Association (NEMA).
- (26) Water Pollution Control Federation (WPCF).

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-580. - Environmental impact.

Installation and operation of the tower and antenna shall comply with all standards, codes and regulations defined herein, including, but not limited to, the following.

- (1) Transmission and all other frequencies shall not interfere or interrupt municipal and emergency frequency transmissions.
- (2) Installation and operation of the tower and antenna shall not interfere and divert the natural flyways of all migratory and other birds.
- (3) Installation and operation of the tower shall not disturb or interrupt the natural life and reproductive cycle of all wild life and vegetation.
- (4) Installation and operation of the tower and antenna shall not interrupt or disturb the natural life and reproductive cycle of all domestic animals and fowl including, but not limited to, horses, mules, burros, donkeys, cattle, sheep, goats, chickens, turkeys, peacocks, pheasants, quail, geese, rabbits, dogs, cats, etc.

- (5) Installation and operation of the tower and antenna shall not impede the production of farm and ranch products including, but not limited to, the meat, milk, eggs, grain, produce, etc.
- (6) All illuminating devices shall not impede the eyesight and vision of pedestrians and drivers on roads, streets, highways, driveways and sidewalks.
- (7) Installation and operation shall not impede or alter the navigation and flight of aircraft to and from public and private airports in accordance with FAA regulations.
- (8) The maximum sound pressure level of all equipment and electrical devices when measured at the fence line of the property on which the tower and antenna is installed shall not exceed 75 dba.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-581. - Towers and support structures.

All towers, support structure and foundation design, material, fabrication, testing and installation shall be in accordance with standards, codes and regulations, as amended, which may include, but is not limited to, the following.

- (1) Design shall be in accordance with the latest of ASCE 7-95 "Minimum Design Loads for Buildings and Structures" and the following:
 - a. Wind velocity: 120 miles per hour, Exposure C, "I" Equal 1.15.
 - b. Design rain fall: Four inches per hour intensity for 60 minutes.
 - c. Ice load: One-half-inch entire surface.
 - d. Temperature: Five to 110 degrees Fahrenheit.
 - e. Soil bearing: Soil samples shall be taken to determine soil bearing.
- (2) Towers and structures shall be self-supporting lattice or, free standing monopole, or guyed. ~~(To be reviewed and approved by the commission)~~
- (3) All structural members shall be structural shapes in accordance with AISC standards. Tubular shapes and pipe which will entrain moisture shall not be used.
- (4) All fabricated components shall be components shall be seal welded by an AWS qualified welder in accordance with ASME standards to prevent moisture entrapment between members. Skip and stitch welding shall not be used.
- (5) All fabricated components shall be hot dip galvanized in accordance with ASTM standards. The galvanized thickness shall be a minimum five mills thick. Mill galvanized material and components shall not be used.
- (6) All assembly bolts and fasteners shall be hot dip galvanized in accordance with ASTM standards. Zinc, and all other plated bolts and fasteners shall not be used.
- (7) All lifting lugs and hoisting attachments shall be designed in accordance with ANSI standards.

- (8) Design shall be based on a minimum metal temperature of zero degrees Fahrenheit.
- (9) All ladders, handrail, and platforms shall be hot dip galvanized carbon steel construction designed and fabricated in accordance with OSHA standards.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-582. - Antennas, instrumentation and electrical.

Design, materials, fabrication, manufacturing, inspection, testing, installation, and operation of all antennas, instrumentation and electrical shall be in accordance with all standards, codes, and regulations defined herein, including, but not limited to, the following:

- (1) All instrumentation, electrical and antennas shall be suitable for the electrical area classification in which it is installed.
- (2) All instrumentation and electrical installed in areas that are not classified shall have a NEMA 4 rating or installed in NEMA 4X enclosures.
- (3) All wiring and cable runs shall originate and terminate on a terminal strip located in an enclosure.
- (4) All wiring and cable runs shall be continuous. Spliced connections with wire nuts and other connection devices shall not be used.
- (5) All electrical and instrument enclosures in an unclassified electrical area shall be NEMA 4X non-corrosive metal construction with stainless steel hardware.
- (6) All instruments and electrical shall be intrinsically safe and have a UL label.
- (7) All instrument and electrical runs shall be in conduit.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-583. - Electrical buildings and control buildings.

All electrical buildings and control buildings shall be designed in accordance with standards, codes and regulations. Each shall be permanently anchored to a concrete foundation. Portable buildings and trailers shall not be used unless otherwise approved as set forth herein.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-584. - Emergency power.

A permanently installed secondary electrical power supply shall mayshall be installed provided in the eventcase of an electrical failure. The secondary electrical power supply if installed shall be designed in accordance with standards, codes, and regulations defined herein, including, but not limited to, the following:

- (1) The secondary power supply shall be permanently installed ~~immediately adjacent to the tower and antenna~~within the tower structure's leased area.
- (2) The secondary power source shall automatically start after a sustained power failure as defined in codes, standards and regulations.
- (3) Design shall not create a current inrush from the secondary power source into the Houston Lighting and Power Company or its successor's distribution system.
- (4) The minimum power output shall be equal to that power required to illuminate all warning and safety lights or that required by codes, standards and regulations, whichever is greater.
- (5) The secondary power source shall be capable of producing the power required for a continuous period of eight hours without the requirement of a service technician or that required by codes, standards and regulations, whichever is greater.
- (6) Design of all secondary power source design interface with the Houston Lighting and Power Company or its successors must be approved by Houston Lighting and Power Company or its successors.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-585. - Quality assurance.

A quality plan shall be implemented and maintained which shall be clearly define and document the procedures for the relevant quality functions for the design, materials, manufacture, fabrication and installation of the tower and antenna. The quality plan shall be maintained daily and be available for inspection from the date of a permit approval until final inspection.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-586. - Drawings and data.

All detailed drawings, calculations and data shall, when required by the requisite licensing agency, have a state Registered Professional Engineer's Seal.

(Ord. No. 99-851, app. A, 2-17-1999)

Sec. 8-587. - Deviations and conflict.

- (a) Where there are deviations and conflicts between regulations, codes and standards, the superior design and regulation shall apply.
 - (1) A permit shall not be approved for construction of a tower and antenna without athe required FCC ~~frequency allocation affidavit~~approval or registration.

- (2) A permit shall not be approved for construction of a tower and antenna with~~out~~ the required an environmental impact studystudies as required by applicable federal and state regulations.
 - (3) A ~~permit shall not be approved for construction of a tower and antenna without documentation and data that the tower and antenna location and design compliest~~tower structure shall comply with FAA and FCC regulations and standards.
 - (4) A permit shall not be approved for construction of a tower and antenna without a quality plan.
 - (5) A permit shall not be approved for the construction of a tower and antenna which does not comply with the provisions set forth in this article.
- (b) Permit approval does not relieve the owner form compliance with regulations, codes, and standards.

(Ord. No. 99-851, app. A, 2-17-1999)

Secs. 8-588—8-607. - Reserved.



CITY OF FULSHEAR

PO Box 279 /6611 W. Cross Creek Bend Ln
Fulshear, Texas 77441
Phone: 281-346-8860 ~ Fax: 281-346-2556
www.fulsheartexas.gov

Subdivision/Development Platting Application

Date: March 15, 2024 Date Received by the City of Fulshear: _____
Subdivision: Fulshear Bend Drive Street Dedication Development: Cross Creek West
No 1 in Cross Creek West

SUBMITTAL OF PLAT: (Check Appropriate Selection)

Preliminary Final Short Form Final
 Replat Vacation Plat Admin. (Minor) Plat
 Amending Plat Other: Extension of Approval

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: 1.666 ACRES OF LAND LOCATED IN THE RUFUS WRIGHT SURVEY, A-344

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

Total Acreage: 1.666
Number of Streets: 1
Number of Lots: 0
Number and Types of Reserves: N/A
Total Acres in Reserve: 0

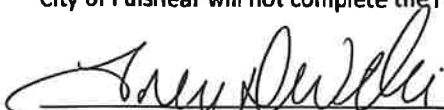
Owner: CCR WEST, INC., a Texas Corporation
Address: 5005 Riverway, Suite 500
City/State: Houston, TX 77056
Telephone: 713-960-9977
Email Address: _____

Engineer/Planner: BGE, INC.
Contact Person: Trey DeVillier
Telephone: 713-488-8204
Fax Number: _____
Email Address: tdevillier@bgeinc.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 | |
| 2 nd Review of plats - \$100.00 (each additional review) | |
| TOTAL PLATTING FEE | <u>TBD</u> |
| Park Fees (due at Final Plat Application) * | _____ |

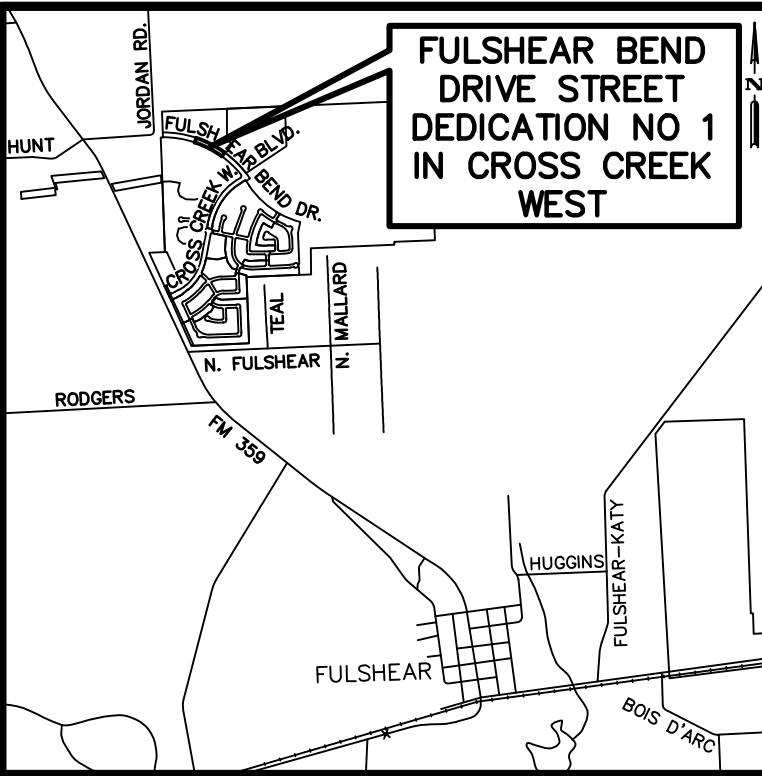
**Due after plat recordation*

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

Trey DeVillier
TYPED OR PRINTED NAME/TITLE

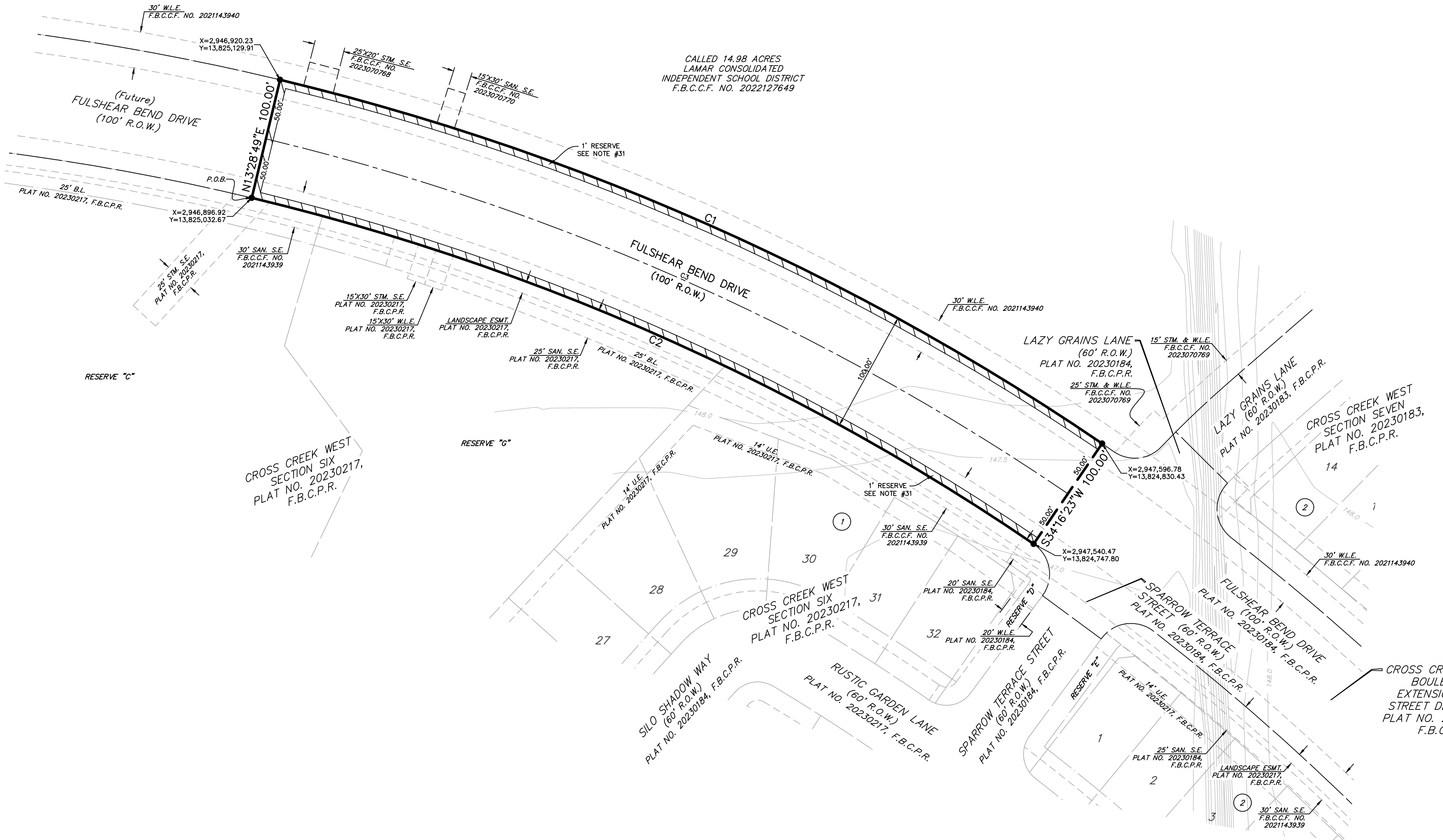
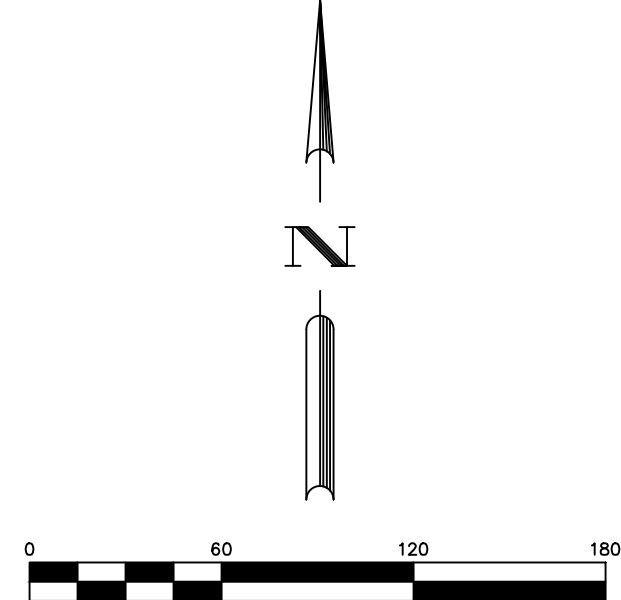
March 15, 2024
DATE



VICINITY MAP
SCALE: 1"=4,000'
KEY MAP NO. 482 Y & 522 C

GENERAL NOTES

- "1" indicates Block Number.
- "U.E." indicates "Utility Easement".
- "B.L." indicates Building Line.
- "W.L.E." indicates Water Line Easement.
- "STM. S.E." indicates Storm Sewer Easement.
- "SAN. S.E." indicates Sanitary Sewer Easement.
- "ESMT." indicates Easement.
- "F.B.C.C.F." indicates Fort Bend County Clerk's File Number.
- "F.B.C.P.R." indicates Fort Bend County Plat Records.
- "F.B.C.D.R." indicates Fort Bend County Deed Records.
- "O.D." indicates Outside Diameter.
- "O.P.R.F.B.C." indicates Official Public Records of Fort Bend County.
- "VOL." indicates volume.
- "PG." indicates page.
- "R.O.W." indicates right-of-way.
- The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Surface Coordinates (NAD83) and may be brought to grid by multiplying by the following combined scale 0.99987002.
- Bearing based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the East line of Restricted Reserve "A" of FORT BEND COUNTY MUD 198 WASTE WATER TREATMENT PLANT, a subdivision per plat recorded under Plat Number (Plat No.) 20210096 of the Fort Bend County Plat Records (F.B.C.P.R.).
- There is no observable evidence of pipelines within the boundaries of the subject tract, based on the title research provided per City Planning Letter prepared by Charter Title Company, 2023.
- The property lies in the Unshaded Zone "X" (areas determined to be outside the 500 year flood plain) as delineated on the Flood Insurance Rate Map for Fort Bend County, Texas and Incorporated Areas, Map Number 481570085M, Revised January 29, 2021.
- The drainage system for the subdivision is designed in accordance with the Fort Bend County Drainage Criteria Manual, which allows street ponding with intense rainfall events.
- Set 3/4-inch Iron Rod w/ cap stamped "BGE INC" at all plat boundary corners unless otherwise noted.
- This plot is within Lighting Zone LZ3.
- This tract is located within the extraterritorial jurisdiction of the City of Fulshear and Fort Bend County.
- Required per Fort Bend County Regulations of Subdivisions, Section 7.3, A.
- Required per Fort Bend County Regulations of Subdivisions, Section 5.12, C.
- All drainage easements and detention facilities shall be maintained by Fort Bend County Municipal Utility District No. 198.
- 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.
- Site plans shall be submitted to Fort Bend County and any other applicable jurisdiction for review and approval to obtain a Development Permit. Development Permits and all other applicable permits shall be obtained from Fort Bend County prior to beginning construction.
- 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.A.
- A 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 adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purpose.



| CURVE DATA | | | | | |
|------------|----------|-------------|--------------|---------------|----------------|
| NUMBER | RADIUS | DELTA ANGLE | ARC DISTANCE | CHORD BEARING | CHORD DISTANCE |
| C1 | 2050.00' | 20°47'34" | 743.95' | S 66°07'24" E | 739.87' |
| C2 | 1950.00' | 20°47'34" | 707.66' | N 66°07'24" W | 703.78' |
| C3 | 2000.00' | 20°47'34" | 725.80' | N 66°07'24" W | 721.83' |

DESCRIPTION OF A 1.666 ACRE TRACT OF LAND SITUATED IN THE RUFUS WRIGHT SURVEY, ABSTRACT NO. 344 FORT BEND COUNTY, TEXAS

BEING A 1.666 acre (72,580 square foot) tract of land situated in the Rufus Wright Survey, Abstract No. 344 of Fort Bend County, Texas and being a portion of a remainder of a called 471.4 acre tract of land described as Tract One in an instrument recorded under Clerk's File Number 2020038283 of the Official Public Records of Fort Bend County, said 1.666 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the East line of Restricted Reserve "A" as cited herein:

COMMENCING at a 1/2-inch iron pipe with cap stamped "BGE INC" found for the Northeast corner of Restricted Reserve "A" of FORT BEND COUNTY MUD 198 WASTE WATER TREATMENT PLANT, a subdivision per plat recorded under Plat Number (Plat No.) 20210096 of the Fort Bend County Plat Records (F.B.C.P.R.), from which a 5/8-inch iron rod with cap stamped "BGE INC" found for the Southeast corner of said Restricted Reserve "A" bears S 01°59'35" E, a distance of 430.10 feet;

THENCE, N 65°47'12" E, a distance of 264.94 feet over and across said 471.4 acre tract to a 3/4-inch iron rod with cap stamped "BGE INC" set for the POINT OF BEGINNING and the Southwest corner of the herein described tract;

THENCE, N 13°28'49" E, a distance of 100.00 feet continuing over and across said 471.4 acre tract to a 3/4-inch iron rod with cap stamped "BGE INC" set for the Northwest corner of the herein described tract, lying on the Southwest line of a called 14.98 acre tract of land described in an instrument to Lamar Consolidated Independent School District recorded under Clerk's File No. 2022127649 of the O.P.R.F.B.C. and being the beginning of a non-tangent curve to the right, from which its center bears S 13°28'49" W, 2,050.00 feet;

THENCE, in a Southeasterly direction, along said curve to the right and along with the Southwest line of said 14.98 acre tract, an arc distance of 743.95 feet, having a radius of 2,050.00 feet, a central angle of 20°47'34" and chord which bears S 66°07'24" E, 739.87 feet to the Northeast corner of the herein described tract;

THENCE, S 34°16'23" W, a distance of 100.00 feet over and across said 471.4 acre tract to the Southeast corner of the herein described tract and the beginning of a non-tangent curve to the left, from which its center bears S 34°16'23" W, 1,950.00 feet;

THENCE, in a Northwesterly direction, along said curve to the left and continuing over and across said 471.4 acre tract, an arc distance of 707.66 feet, having a radius of 1,950.00 feet, a central angle of 20°47'34" and chord which bears N 66°07'24" W, 703.78 feet to the POINT OF BEGINNING and containing 1.666 acres (72,580 square feet) of land.

| DISTRICT NAMES | |
|------------------|-------------------------------|
| M. U. D. | FORT BEND COUNTY M. U. D. 198 |
| SCHOOL | LAMAR C. I. S. D. |
| FIRE | FIRE DISTRICT FULSHEAR |
| E. S. D. | FORT BEND ESD 4 |
| CITY OR CITY ETJ | FULSHEAR E. T. J. |
| UTILITIES CO. | CENTERPOINT ENERGY |

FULSHEAR BEND DRIVE STREET DEDICATION NO. 1 IN CROSS CREEK WEST

A SUBDIVISION OF 1.666 ACRES OF LAND LOCATED IN THE RUFUS WRIGHT SURVEY, A-344 FORT BEND COUNTY, TEXAS

LOTS: 0 RESERVE: 0 BLOCKS: 0
SCALE: 1"=60' DATE: NOVEMBER, 2023

OWNER:
CCR WEST, INC.,
a Texas Corporation
5005 RIVERWAY, SUITE 500
HOUSTON, TEXAS 77056
(713) 960-9977
ROBERT J. BAMFORD

LAND PLANNER:
META PLANNING + DESIGN
24275 KATY FREEWAY, SUITE 200
KATY, TEXAS 77494
(281) 810-1422
CAITLIN KING



BGE, Inc.
10777 Westheimer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 • www.bgeinc.com
TBPE Registration No. F-1046
TBPLS Licensed Surveying Firm No. 101605-00
Almutz N. Ghafil, P.E.

C:\Users\jwagner\OneDrive\Projects\2023\11-20-2023\2-43 PM 11/20/2023 2:43 PM

STATE OF TEXAS
COUNTY OF FORT BEND

We, CCR WEST, INC., a Texas corporation, acting by and through Robert J. Bamford, Vice President, owner of the 1.666 acre tract described in the above and foregoing map of FULSHEAR BEND DRIVE STREET DEDICATION NO. 1 IN CROSS CREEK WEST, do hereby make and establish said subdivision and development plan 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, or permanent access easements), 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 on 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 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 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 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 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, we 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 easement 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, we 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 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.

FURTHER, we do hereby certify that we are the owners of all property immediately adjacent to the boundaries of the above and foregoing subdivision of FULSHEAR BEND DRIVE STREET DEDICATION NO. 1 IN CROSS CREEK WEST 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.

IN TESTIMONY WHEREOF, CCR WEST, INC., a Texas corporation, has caused these presents to be signed by Robert J. Bamford, its Vice President, thereunto authorized,

this _____ day of _____, 2023.

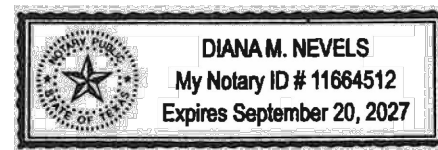
CCR WEST, INC., a Texas corporation,

By: _____
Robert J. Bamford
Vice President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Robert J. Bamford, Vice President of CCR WEST, INC., a Texas corporation, 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 stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2023.



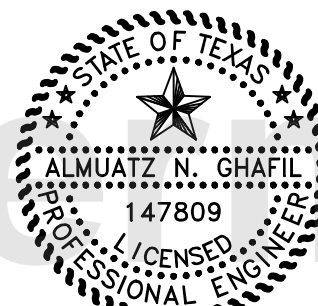
Diana Nevells
Notary Public in and for the State of Texas
Commission Expires: _____

I, Chris Jordan, 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 having an outside diameter of not less than three quarter (3/4) inch and a length of not less than three (3) feet; and that the plot boundary corners have been tied to the nearest survey corner.



Chris Jordan, R.P.L.S.
Texas Registration No. 6750

I, Almutz N. Ghafil, A Professional Engineer licensed in the State of Texas do hereby certify that this plot meets all requirements of the City of Fulshear, to the best of my knowledge.



Almutz N. Ghafil, P.E.
Texas License No. 147809
BGE, Inc.
TBPE Registration No. F-1046

This plot of FULSHEAR BEND DRIVE STREET DEDICATION NO. 1 IN CROSS CREEK WEST is approved by the City Planning Commission of the City of Fulshear, Texas, this _____ day of _____, 2023.

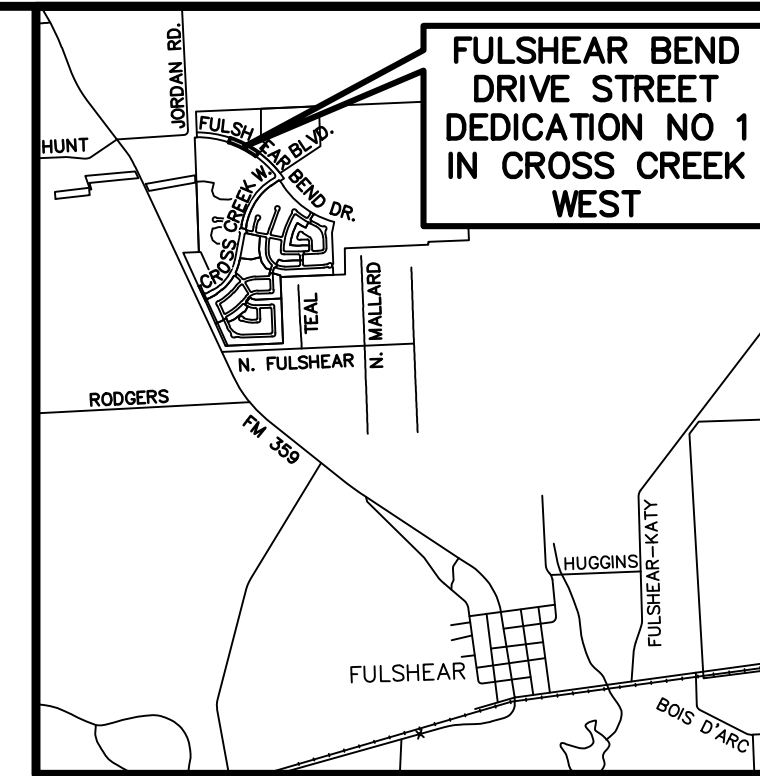
Amy Pearce
Chairman

Dar Hakimzadeh
Co-Chairman

This plot of FULSHEAR BEND DRIVE STREET DEDICATION NO. 1 IN CROSS CREEK WEST was approved on _____ by the City of Fulshear City Council and signed on this _____ day of _____, 2023; provided, however, this approval shall be invalid and null and void unless the plot is filed with the County Clerk of Fort Bend County, Texas within six (6) months hereafter.

Aaron Groff
Mayor

Mariela Rodriguez
City Secretary



VICINITY MAP
SCALE: 1"=4,000'
KEY MAP NO. 482 Y & 522 C

I, J. Stacy Slawinski, P.E., Fort Bend County Engineer, do hereby certify that the plot 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 of 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 _____, 2023.

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

Grady Prestage
Precinct 2, County Commissioner

KP George
County Judge

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

Dexter L. McCoy
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 _____, 2023, 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

FULSHEAR BEND DRIVE STREET DEDICATION NO. 1 IN CROSS CREEK WEST

A SUBDIVISION OF 1.666 ACRES OF LAND
LOCATED IN THE
RUFUS WRIGHT SURVEY, A-344
FORT BEND COUNTY, TEXAS

LOTS: 0 RESERVE: 0 BLOCKS: 0
SCALE: 1"=60' DATE: NOVEMBER, 2023

OWNER:
CCR WEST, INC.,
a Texas Corporation
5005 RIVERWAY, SUITE 500
HOUSTON, TEXAS 77056
(713) 960-9977
ROBERT J. BAMFORD

LAND PLANNER:
META PLANNING + DESIGN
24275 KATY FREEWAY, SUITE 200
KATY, TEXAS 77494
(281) 810-1422
CAITLIN KING



BGE, Inc.
10777 Westheimer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 • www.bgeinc.com
TBPE Registration No. F-1046
TBPLS Licensed Surveying Firm No. 101065-00
Almutz N. Ghafil, P.E.

G:\V\Projects\Bentch\1456\1456-00-000\1456-00-000.dwg 11/20/2023 2:43 PM