

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.

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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:

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Table 28-2-11-2 Permitted Uses and Minimum Off-Street Parking Spaces			
	Use		Cross

Use Category	Type	Minimum Spaces	Maximum Spaces	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				

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

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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			

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

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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.				

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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 any combination of existing or permitted structures used for any two or more of the following uses or parcels restricted by either recorded plat or general plan approved by the City Council to ~~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 one or more a tree or trees that are 12" or greater in diameter at breast height and make up 10% of the overall property by dripline area.
- b. A commercial business
- c. A school
- d. A place of worship
- ~~d~~e. Public Institution such as a courthouse, library, museum, or municipal facility."

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

"(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) AOne or more mature tree(s) with a diameter at breast height 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); and

(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); ~~and~~
- (4) Section 28-2-15, industrial (IN).”

Section 9. Section 28-3-6(h) of the Fulshear4 Code is hereby amended to read as follows:

“(h) *Roofing styles.* Any roof type may be used provided it has a minimum pitch of 4:12. A flat roof may be allowed provided it ~~is disguised on all sides by a sloping roof~~incorporates permitted building articulations to disguise a flat roof. Examples are displayed in figure 28-3-6-2, allowed roof forms.”

Section 10. Section 28-3-8(b)(3) of the Fulshear code is hereby amended to read as follows:

“(3) *Architectural details.*

- a. *Exterior lighting.* Exterior lighting must be an integral part of the architecture, sign, and landscape or hardscape design. Street lighting must be of a maximum height of 12 feet and consistent with the character of the district. Sidewalk lighting may be a maximum of three feet in height.
- b. *Street furniture.* Public seating, trash receptacles, and directional kiosks must be of uniform design and provided throughout district, approved by the Planning and Zoning Commission. Street trees, landscaping, weather protection, public art, street furniture, and other pedestrian amenities in public rights-of-way and plazas must provide a minimum passable sidewalk width of four feet.
- c. *Awnings, sunshades, and canopies.* Weather protection is required for pedestrian street frontages with ground floor commercial use. Weather protection elements must extend at least six feet from the building, may be no closer than two feet to a street curb and must have a minimum clearance of eight feet and a maximum height of 12 feet. Internally illuminated awnings are prohibited.
- d. *Fenestration.*
 - i. *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.

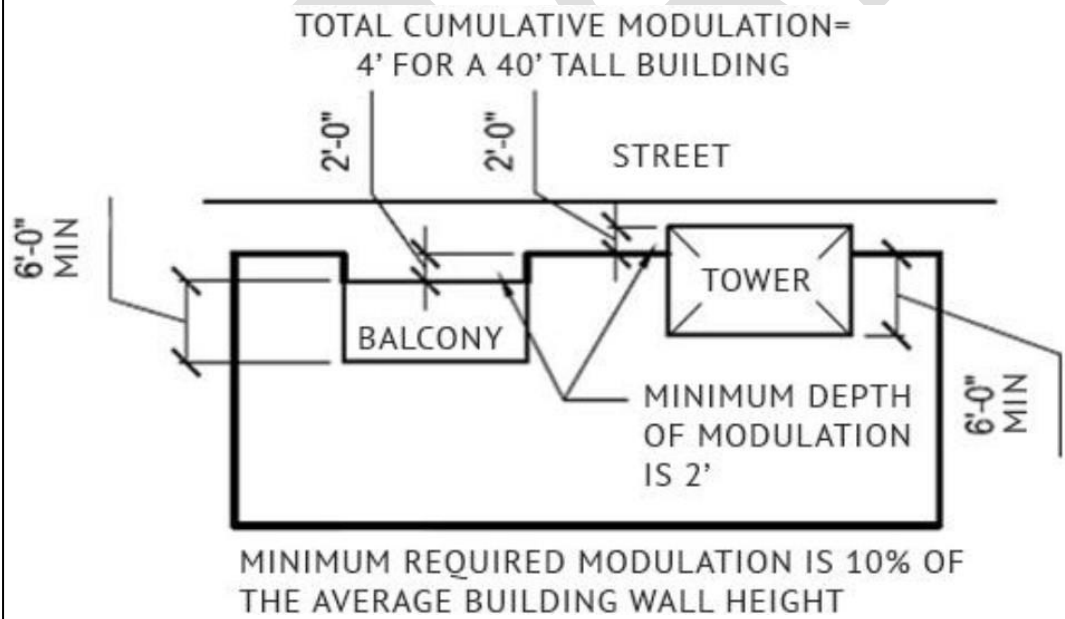
ii. *Street visibility.* Upper and lower-story windows must be designed to overlook streets and public spaces to make these spaces comfortable and safe.

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 set-back from the primary entrance, face an alleyway, not face the public right-of-way, or face the side street on a corner lot."

Section 11. 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.

(32) 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 12. 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 13. 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 14. 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